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ACT

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

39TH–40TH YEARS OF THE REIGN OF HER MAJESTY,

QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
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39–40 VICTORIA.

CHAP. 80.

An Act to amend the Merchant Shipping Acts.

[15th *August*, 1876.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1876.

Construction of Act.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876.

Commencement of Act.

3. This Act shall come into operation on the first day of October, 1876 (which day is in this Act referred to as the commencement of this Act); nevertheless any Orders in Council and general rules under this Act may be made at any time after the passing of this Act, but shall not come into operation before the commencement of this Act.

Unseaworthy Ships.

Sending unseaworthy ship to sea, a misdemeanour

4. Every person who sends or attempts to send, or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanour, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable,—and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

Every

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanour, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable,—and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted, except by or with the consent of the Board of Trade, or of the Governor of the British possession, in which such prosecution takes place.

A misdemeanour under this section shall not be punishable upon summary conviction.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

5. In every contract of service, express or implied, between the owner of a ship and the master, or any seamen thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage, during the same: Provided that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Power to detain unsafe ships, and procedure for such detention.

6. Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe,") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows:—

(1.) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed:

(2.)

(2.) When a ship has been provisionally detained, there shall be forthwith served, on the master of the ship, a written statement of the grounds of her detention; and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board:

(3) The Board of Trade, on receiving the report, may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may, from time to time, vary or add to any such order:

(4.) Before the order for final detention is made, a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the Court of Survey (hereinafter mentioned) for the port or district where the ship is detained:

(5.) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed, under this section, to survey the ship makes such survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the Court of Survey (nominated as hereinafter mentioned); and in such case, if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made; and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section:

(6.) Where a ship has been provisionally detained, the Board of Trade may, at any time, if they think it expedient, refer the matter to the Court of Survey for the port or district where the ship is detained:

(7.) The Board of Trade may, at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions:

(8.) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may, from time to time, appoint a sufficient number of fit officers, and may remove any of them:

(9.)

(9.) Any officer so appointed (in this Act referred to as a detaining officer), shall have the same power as the Board of Trade have under this section, of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe, may order her to be released:

(10.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

Constitution of court of survey for appeals.

7. A court of survey for a port or district shall consist of a judge sitting with two assessors:

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district, by one of Her Majesty's Principal Secretaries of State, in this Act referred to as a Secretary of State), of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner:

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port,—or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State,—or, if there is no such list, shall be appointed by the judge; if a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign state, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the Secretary of State, be added to such list, and if there is no such list, shall form such list.

The county court registrar, or such other fit person, as a Secretary of State may, from time to time, appoint, shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith:

The

Merchant Shipping Act.

The name of the registrar and his office, together with the rules made under this Act, relating to the court of survey, shall be published in the prescribed manner.

8. With respect to the court of survey the following provisions shall have effect:— Power and procedure of court of survey.

(1.) The case shall be heard in open court;

(2.) The judge and each assessor may survey the ship, and shall have, for the purposes of this Act, all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854;

(3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court;

(4.) The judge shall have same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released:

(5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section:

(6.) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

9. The Lord Chancellor of Great Britain may, from time to time, (with the consent of the Treasury so far as relates to fees), make, and when made, revoke, alter and add to general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules. Rules for procedure of court of survey, &c

All such rules, while in force, shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act relating to the detention of ships or court of survey means prescribed by such rules.

10. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship, or the act or default of the owner, for the provisional detention of the ship, the Liability of Board of Trade and shipowner for costs and damages.

the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey:

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship; and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable:

For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship; and any dispute as to the amount of costs under this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who, on request made to him for that purpose by the Board of Trade, shall ascertain and certify the proper amount of such costs:

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the Secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland, in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms, as to extension of time and otherwise, as to the court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the Secretary of the Board of Trade.

Power to require from complainant security for costs.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned:

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer, frivolous or vexatious, such security shall not be required; and the Board or officer shall, if the complaint is made in

sufficient

sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act;

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur, or are liable to pay in respect of the detention and survey of the ship.

12. (1.) A detaining officer shall have, for the purpose of his duties under this Act, the same powers as an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

Supplemental provisions as to detention of ship.

(2.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(3.) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed.

(4.) For the purposes of a survey of a ship under this Act any person authorized to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

(5.) The provisions of the Merchant Shipping Act, 1854, with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the Inspector of any judge, assessor, officer or surveyor who, under this Act, has the same powers as an inspector, or has authority to survey a ship.

Foreign Ships, Overloading.

13. Where a foreign ship has taken on board all or part of her cargo, at a port in the United Kingdom, and is whilst at that port unsafe, by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

Application to foreign ships, of provision as to detention.

(1.)

(1.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained:

(2.) Where a ship has been previously detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select; and, in such case, if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act; and—

(3.) Where the owner or master of the ship appeals to the court of survey, the consular officer, on the request of such owner or master, may appoint any competent person, who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognized by a Secretary of State as a consular officer of a foreign State.

Appeal on Refusal of certain Certificates to Ships.

Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts.

14. Whereas, by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate;

And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same,

same, a passenger ship within the meaning of those sections (in this Act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is, in the officer's opinion, seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned;

And whereas by section thirty of the Merchant Shipping Act Amendment Act, 1862, provision is made for preventing a ship from proceeding to sea in certain cases without a certificate from a surveyor or person appointed by the Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals;

And whereas it is expedient to give in the said cases such appeal as hereinafter mentioned: Be it therefore enacted that—

If a shipowner feels aggrieved,—

(1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration; or—

(2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or—

(3.) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,—
the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is.

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may,—

(1.) In the case of a passenger steamer, give their certificate under section three hundred and twelve of the Merchant Shipping Act, 1854, and—

(2.) In the case of an emigrant ship, give or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and—

(3.)

(3.) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section thirty of the Merchant Shipping Act Amendment Act, 1862.

Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall follow the event:

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenor thereof, shall apply to the court of survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the two said persons agree, there shall be no appeal to the court of survey in pursuance of this section.

Scientific Referees.

Reference in difficult cases to scientific persons.

15. If the Board of Trade are of opinion that an appeal under this Act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the court of survey.

Passenger Steamers and Emigrant Ships.

Exemption of certain

16. Any steamship may carry passengers not exceeding twelve in number although she has not been surveyed by the

the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act, 1854, with respect to passenger steamers. **steamers from passenger certificates.**

17. Where the legislature of any British possession provides for survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council— **Colonial certificates for passenger steamers.**

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and—

2. To declare that all or any of the provisions of the said Acts which relate to certificates granted, for passenger steamers under those Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates referred to in the Order; and—

3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

18. In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of the Merchant Shipping Act, 1854, and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under the Passengers Act, 1855, and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with; and so long as a steamship is an emigrant ship that is a passenger ship within the meaning of the Passengers Act, 1855, and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of the Merchant Shipping **Provision against double survey in case of passenger steamers and emigrant ships.**

Shipping

Shipping Act, 1854, with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

Provision as to survey of foreign passenger steamer or emigrant ship.

19. Where a foreign ship is a passenger steamer subject to the Merchant Shipping Act, 1854, and the Acts amending the same, or an emigrant ship subject to the Passengers Act, 1855, and the Acts amending the same, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at the port of survey, that such ship has been officially surveyed at a foreign port, and are satisfied that the requirements of the said Acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them: Provided that Her Majesty may by Order in Council direct that this section shall not apply in the case of an official survey at any foreign port at which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Power to modify Passenger Acts as to food, space and accommodation in emigrant ships.

20. It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or other particular or thing required by the Passengers Act, 1855, and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

Provision of signals of distress, inextinguishable lights and life buoys in passenger steamers and emigrant ships.

21. Every sea-going passenger steamer, and every emigrant ship shall be provided to the satisfaction of the Board of Trade—

(1.) With means for making the signals of distress at night specified in the First Schedule to "The Merchant Shipping Act, 1873," or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and—

(2.) With a proper supply of lights inextinguishable in water, and fitted for attachment to life buoys.

If

If any such steamer or ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisities, the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding fifty pounds.

Grain Cargoes.

22. No cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. Stowage of cargo of grain, &c.

If the managing owner or master of any British ship, or any agent of such owner who is charged with the loading of the ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage, contrary to the provisions of this section, he shall for every such offence, incur a penalty not exceeding three hundred pounds, to be recovered upon summary conviction.

Deck Cargoes.

23. If any ship, British or foreign, other than home trade ships as defined by the Merchant Shipping Act, 1854, carries as deck cargo—that is to say, in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage—timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable. Space occupied by deck cargoes to be liable to dues.

The space so occupied, shall be deemed to be the space limited by the area occupied by the goods, and by straight lines inclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an Officer of the Board of Trade or of Customs, in manner directed by sub-section four of section twenty-one of the Merchant Shipping Act, 1854, and when so ascertained shall be entered by him in the ship's official log book, and also in a memorandum which he shall deliver to the master; and the master shall, when the said dues are demanded, produce such

such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

Penalty for carrying deck loads of timber in winter.

24. After the first day of November one thousand eight hundred and seventy-six, if a ship, British or Foreign, arrives between the last day of October and the sixteenth day of April, in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo,—that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage,—any wood goods coming within the following descriptions, that is to say,—

(*a*) Any square, round, waney or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or—

(*b*) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or—

(*c*) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck,—

The master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section; and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction:

Provided that a master or owner shall not be liable to any penalty under this section—

(1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or—

(2.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo, at such time before the last day of October as allowed a sufficient interval, according to the ordinary duration of the voyage, for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or—

(3.)

(3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Deck and Load Lines.

Marking of deck-lines.

25. Every British ship (except ships under eighty tons register, employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts), shall be permanently and conspicuously marked with lines, of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Marking of load-line on foreign going British ships.

26. With respect to the marking of a load line on British ships, the following provisions shall have effect :—

(1.) The owner of every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre :

(2.) The centre of this disc shall indicate the maximum load line in salt water to which the owner intends to load the ship for that voyage:

(3). He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs, a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) If default is made in delivering this statement in the case of any ship, any officer of Customs may refuse to enter the ship outwards:

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew; and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:

(6) The master of the ship shall also enter a copy of this statement in the official log book.

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Marking of load-line in case of coasting vessels.

27. With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:—

(1.) The owner of every British ship employed in the coasting trade on the coasts of the United Kingdom (except ships under eighty tons register employed solely in that trade) shall, before proceeding to sea from any port, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship, until notice is given of an alteration:

(3.) He shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the collector or other principal officer of customs of the port of registry of the

the ship, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the collector or other principal officer of Customs of the port of registry of the ship notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines:

(5.) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered, the owner shall be liable to a penalty not exceeding one hundred pounds:

(6.) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

28. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall, for each offence, incur a penalty not exceeding one hundred pounds:

Penalty for offences in relation to marks on ships.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Investigations into Shipping Casualties.

29. For the purpose of rendering investigations into shipping casualties more speedy and effectual, it shall be lawful for the Lord High Chancellor of Great Britain to appoint, from time to time, some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner; and in case it shall become necessary

Appointment, duties and powers of wreck commissioners, for investigating shipping casualties.

to appoint a wreck commissioner in Ireland, the Lord Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices; and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of the Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner.

Assessors, and rules of procedure on formal investigations into shipping casualties.

30. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

The commissioner, justices, or authority, when of opinion that the investigation is likely to involve the cancellation or suspension of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord High Chancellor of Great Britain may, from time to time, (with the consent of the Treasury, so far as relates to fees), make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to such parties and persons or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any

any person that person shall have an opportunity of making a defence.

31. A wreck commissioner may, at the request of the Board of Trade, by himself, or by some deputy approved by the Board of Trade, institute the same examination as a receiver of wreck under section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall, for that purpose have the powers by that section conferred on a receiver of wreck.

Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 V., c. 104, s. 448.

32. In the following cases,—

Power to hold enquiries or formal investigations as to stranded and missing ships.

(1.) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or—

(2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,—
the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held; and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854

33. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

Place of investigation.

Miscellaneous.

34. Where, under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British consular officer may detain the ship; and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person

Enforcing detention of ship.

person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty, any officer authorized to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds,—or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken; and such expenses may be recovered in like manner as the penalty.

Service of order on master, &c.

35. Where any order, notice, statement, or document requires, for the purpose of any provision of this Act, to be served on the master of a ship, the same shall be served where there is no master and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Any such order, notice, statement or document, may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, statement or document, on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

Ship's managing owner or manager to be registered.

36. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry.

Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered

registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

Power for Her Majesty by Order in Council to apply certain provisions of Merchant Shipping Acts to foreign ships.

37. Whenever it has been made to appear to Her Majesty that the Government of any Foreign State is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, or of any Act hereafter to be passed amending the same, shall apply to the ships of such State, Her Majesty may by Order in Council declare that such of the said provisions as are in such Order specified shall (subject to the limitations, if any, contained in the Order) apply; and thereupon, so long as the Order remains in force, such provisions shall apply (subject to the said limitations) to the ships of such State, and to the owners, masters, seamen and apprentices of such ships, when not locally within the jurisdiction of such State, in the same manner in all respects as if such ships were British ships.

Provision as to Order in Council.

38. Where Her Majesty has power under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made.

Every such Order in Council shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such Order in the *London Gazette*, the Order shall, after the date of such publication, or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Fees, salaries, and costs.

39. On and after the first day of January, one thousand eight hundred and seventy-seven, all fees payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876, or in respect of any services performed

performed by any person employed under the authority of the Passengers Act, 1855, shall continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under the Passengers Act, 1855, as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament; and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade.

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration, if any, as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.

Legal proceedings in case of offences.

40 For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under the Merchant Shipping Act, 1854.

Application of Act to Scotland.

41. In the application of this Act to Scotland,—

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

"Judge of a county court" shall be deemed to include sheriff and sheriff substitute, and—

"Registrar of a county court" shall be deemed to include sheriff clerk, and—

"A master of the Supreme Court of Judicature" shall mean the Queen's and Lord Treasurer's Remembrancer.

42.

42. In the application of this Act to Ireland,— Application of Act to Ireland

"Judge of a county court" shall be deemed to include "chairman of a county" and "the recorder of any borough;"

"Registrar of a county court" shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the court, of the chairman of a county, or the recorder of a borough;

"Stipendiary magistrate" shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and—

"A master of the Supreme Court of Judicature" shall mean one of the masters of the Superior Courts of Common Law in Ireland.

43. In the application of this Act to the Isle of Man,— Application of Act to Isle of Man.

"Judge of a county court" shall mean the water bailiff;

"Stipendiary magistrate" shall mean a high bailiff;

"Registrar of a county court" shall mean a clerk to a deemster or a clerk to justices of the peace;

"A master of the Supreme Court of Judicature" shall mean the clerk of the rolls.

44. Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession; and the provisions of this Act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession. Saving for colonial inland waters.

Repeal.

45. On and from the commencement of this Act, the Acts specified in the first part of the schedule hereto, and on and from the first day of January, one thousand eight hundred and seventy-seven, the Acts specified in the second part of the schedule hereto, shall be repealed to the extent in the third column of that schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, and any Order in Council made in pursuance of any such enactment shall be deemed to have been made under this Act, and this repeal shall not affect— Repeal of Acts.

(1.) Anything done or suffered under any enactment hereby repealed; nor—

(2.) Any right, power, duty, obligation or liability acquired, imposed, accrued or incurred under any enactment hereby repealed; nor—

(3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor—

(4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty or punishment: and any such legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

PART I.

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict., c. 104	The Merchant Shipping Act, 1854	Sub-section (4) of section three hundred and one; so much of section three hundred and eighteen as requires the owner of a ship to transmit the declarations therein mentioned; section four hundred and thirty-four; and section four hundred and thirty-seven from "and in case he so requires" inclusive, to the end of section; and section four hundred and forty-nine.
34 & 35 Vict., c. 110	The Merchant Shipping Act, 1871	Section eleven.
36 & 37 Vict., c. 85	The Merchant Shipping Act, 1873	Sections eleven, twelve, thirteen and fourteen.
38 & 39 Vict., c. 88	The Merchant Shipping Act, 1875	The whole Act.

PART II.

ENACTMENTS REPEALED FROM 1ST JANUARY, 1877.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict., c. 104	The Merchant Shipping Act, 1854	Sub-section (3) of section four hundred and eighteen.
35 & 36 Vict., c. 73	The Merchant Shipping Act, 1872	Section fourteen.

EXTRADITION TREATY

BETWEEN

HER MAJESTY, THE QUEEN,

AND THE

KING OF THE BELGIANS.



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER FOR CANADA, TO THE QUEEN'S MOST EXCELLENT MAJESTY,
1877.

EXTRADITION TREATY.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 21st DAY OF JULY, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by an Act of Parliament made and passed in the Session of Parliament, holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act for amending the law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the Extradition Act, 1870," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the twentieth day of May, One thousand eight hundred and seventy-six, between Her Majesty and the King of the Belgians, for the mutual extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, having judged it expedient, with a view to the more complete prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from the justice of their country, should, under certain circumstances, be reciprocally delivered up; Their said Majesties have named as their Plenipotentiaries, to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Savile Lumley, Esquire, Companion of the Most Honourable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

And His Majesty the King of the Belgians, the Count d'Aspremont Lynden, Officer of His Order of Leopold, Commander of the Order of the Ernestine Branch of the House of Saxony, Grand Cross of the Orders of Leopold of Austria, of the Legion of Honour, of the Lion of the Netherlands, and of the White Eagle of Russia, &c., &c., Member of the Senate, His Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

It is agreed that Her Britannic Majesty and His Majesty the King of the Belgians, shall, on requisition made in their name by their respective Diplomatic Agents, deliver up to each other reciprocally, any persons, (except as regards Great Britain, native born and naturalized subjects of Her Britannic Majesty, and, except as regards Belgium, those who are by birth or who may have become citizens of Belgium), who, being accused or convicted as principals or accessories, of any of the crimes hereinafter specified, committed within the territories of the requiring party, shall be found within the territories of the other party,—

1. Murder (including assassination, parricide, infanticide, and poisoning), or attempt to murder;
2. Manslaughter;
3. Counterfeiting or altering money, or uttering counterfeit or altered money;
4. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited or altered;
5. Embezzlement or larceny;
6. Obtaining money or goods by false pretences;
7. Crimes by bankrupts against bankruptcy law;
8. Fraud by a bailee, banker, agent, factor, trustee or director, or member or public officer of any company, made criminal by any law for the time being in force;
9. Rape; Carnal knowledge of a girl under the age of ten years; carnal knowledge of a girl above the age of ten years and under the age of twelve years; indecent assault upon any female or any attempt to have carnal knowledge of a girl under twelve years of age;
10. Abduction;
11. Child stealing;
12. Kidnapping;
13. Burglary or housebreaking;
14. Arson;
15. Robbery with violence (including intimidation;)
16. Threats by letter or otherwise with intent to extort;
17. Piracy by law of nations;
18. Sinking or destroying a vessel at sea, or attempting or conspiring to do so;



19. Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm;
20. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master;
21. Perjury and subornation of perjury;
22. Malicious injury to property, if the offence be indictable;
23. Aggravated or indecent assault:

Provided that the surrender shall be made only when in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person accused shall be found would justify his apprehension and commitment for trial if the crime had been there committed; and in the case of a person alleged to have been convicted, on such evidence as, according to the law of the country where he is found, would prove that he had been convicted.

In no case can the surrender be made unless the crime shall be punishable according to the laws in force in both countries with regard to extradition.

ARTICLE II.

In the dominions of Her Britannic Majesty, other than the Colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows:—

1. In the case of a person accused----

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Minister or other Diplomatic Agent of His Majesty the King of the Belgians, accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Belgium, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order, under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant, if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended, he shall be brought before the Police Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence, to be then produced, shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison to await the

warrant of the Secretary of State for his surrender, sending immediately to the Secretary of State a certificate of the committal, and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Government of His Majesty the King of the Belgians.

II. In the case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Minister or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

After the Police Magistrate shall have committed the accused, or convicted person to prison, to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*: if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant.

ARTICLE III.

In the dominions of His Majesty the King of the Belgians, other than the Colonies or Foreign Possessions of His said Majesty, the manner of proceeding shall be as follows:—

1 In the case of a person accused—

The requisition for the surrender shall be made to the Minister for Foreign Affairs, of His Majesty the King of the Belgians by the Minister or other Diplomatic Agent of Her Britannic Majesty, accompanied by a warrant of arrest or other equivalent judicial document issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Great Britain, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts and containing a description of the person claimed, and any other particulars which may serve to identify him.

The Minister for Foreign Affairs shall transmit the warrant of arrest, with the documents thereto annexed, to the Minister of Justice, who shall forward the same to the proper judicial authority, in order that the warrant of arrest may be put in course of execution by the Chamber of the Council (*Chambre du Conseil*) of the Court of First Instance of the place of residence of the accused, or of the place where he may be found.

The foreigner may claim to be provisionally set at liberty in any case in which a Belgian enjoys that right, and under the same conditions. The application shall be submitted to the Chamber of the Council (*Chambre du Conseil*).

Extradition Treaty with Belgium.

The Government will take the opinion of the Chamber of Indictments or Investigation (*Chambre des Mises en Accusation*) of the Court of Appeal, within whose jurisdiction the foreigner shall have been arrested.

The hearing of the case shall be public, unless the foreigner should demand that it should be with closed doors.

The public authorities and the foreigner shall be heard. The latter may obtain the assistance of Counsel.

Within a fortnight from the receipt of the documents, they shall be returned, with a reasoned opinion, to the Minister of Justice, who shall decide and may order that the accused be delivered to the person duly authorized on the part of the Government of Her Britannic Majesty.

II. In case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the conviction or sentence of condemnation issued in original or in an authenticated copy, to be transmitted by the Minister or other Diplomatic Agent in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place and date of his conviction. The evidence to be produced shall be such as would, according to the Belgian laws, prove that the prisoner was convicted of the crime charged.

ARTICLE IV.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in Belgium, if within fourteen days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country, in the manner directed by Articles II and III of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty, committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE V.

If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal (or within two months after the decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom), he shall be discharged from custody, unless sufficient cause be shown to the contrary.

ARTICLE VI.

When any person shall have been surrendered by either of the High Contracting parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

ARTICLE VII.

No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the party upon which it is made to be a political offence, or to be an act connected with (*connexe à*) such an offence, or if he prove, to the satisfaction of the Police Magistrate or of the Court before which he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

ARTICLE VIII.

Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the fact of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken.

Provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath or solemn affirmation of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

ARTICLE IX.

The surrender shall not take place if, since the commission of the acts charged, the accusation, or the conviction, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the accused shall have taken refuge.

ARTICLE X.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed or for any other reasons.

ARTICLE XI.

If the individual claimed should be under prosecution, or condemned by the Courts of the country where he has taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such country, on account of obligations contracted towards private individuals, his surrender shall nevertheless take place, the injured party retaining his right to prosecute his claims before the competent authority.

ARTICLE XII.

Every article found in the possession of the individual claimed at the time of his arrest shall, if the competent authority so decide, be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime. It shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

ARTICLE XIII.

Each of the High Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may consent to surrender in pursuance of the present Treaty.

ARTICLE XIV.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of the two High Contracting Parties.

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or foreign possession of either party, shall be made to the Governor or Chief Authority of such Colony or Possession by the Chief Consular Officer of the other in such Colony or Possession; or, if the fugitive has escaped from a Colony or foreign Possession of the Party on whose behalf the requisition is made, by the Governor or Chief Authority of such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or Chief Authorities, who, however, shall be at liberty to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions, for the surrender of Belgian criminals, who may there take refuge, on the basis, as nearly as may be, of the provisions of the present Treaty.

ARTICLE XV.

The present Treaty shall come into operation ten days after its publication in conformity with the laws of the respective countries.

After the Treaty shall so have been brought into operation, the Treaty concluded between the High Contracting Parties on the 31st July, 1872, shall be considered as cancelled, except as to any proceeding that may have already been taken or commenced in virtue thereof.

Either party may, at any time, terminate the Treaty on giving to the other six months' notice of its intention.

ARTICLE XVI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as may be within six weeks from the date of signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Brussels, the twentieth day of May, in the year of our Lord one thousand eight hundred and seventy-six.

[L.S.] J. SAVILE LUMLEY.
[L.S.] CTE D'ASPREMONT-LYNDEN.

And whereas the ratifications of the said Treaty were exchanged at Brussels on the twenty-eighth day of June last:

Now therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the fourth day of August, one thousand eight hundred and seventy-six, the said Acts shall apply in the case of the said Treaty with the King of the Belgians.

C. L. PEEL.

ORDERS IN COUNCIL

PROCLAMATIONS AND REGULATIONS

HAVING FORCE OF LAW

IN THE

DOMINION OF CANADA,

ISSUED DURING THE YEARS 1873, 1875 1876 AND 1877.



HIS EXCELLENCY

THE RIGHT HONORABLE, SIR FREDERICK TEMPLE EARL OF DUFFERIN,

GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1877.

IMPERIAL ORDERS IN COUNCIL.

AT THE COURT AT BALMORAL, THE 30TH DAY OF SEPTEMBER, 1873.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted, that whenever it is made to appear to Her Majesty, that the rules concerning the measurement of tonnage of Merchant Ships, for the time being in force under the principal Act, have been adopted by the Government of any foreign country and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon, it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's dominions; but such ships shall be deemed to be of the tonnage denoted in their certificate of registry or other papers in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage, of Merchant Ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of His Majesty the King of Italy, and such rules are now in force in that country, having come into operation on the first day of July, one thousand eight hundred and seventy-three,----

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:----

1. As regards sailing ships----That Merchant sailing ships of the said Kingdom of Italy, the measurement whereof, after the said first day of July, one thousand eight hundred and seventy-three, has been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steam ships----That Merchant ships belonging to the said Kingdom of Italy which are propelled by steam or any other power requiring engine-room, the measurement whereof shall, after the first day of July, one thousand eight hundred and seventy-three, have been ascertained and denoted in the registers and other national papers of such steam ships,

testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships; provided, nevertheless, that if the owner or master of any such Italian steam ship desires the deduction for engine-room in his ship to be estimated under the rules for engine-room measurement and deduction applicable to British ships instead of under the Italian rule, the engine-room shall be measured, and the deduction calculated according to the British rules.

EDMUND HARRISON.

AT THE COURT AT WINDSOR, THE 17TH DAY OF MARCH, 1875.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by "The Merchant Shipping Act Amendment Act, 1862," it is enacted, that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the principal Act have been adopted by the Government of any foreign country and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854" have been adopted in Sweden by the Government of His Majesty the King of Sweden and Norway, and are to come into force in Sweden on the 1st day of April, 1875:

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct that the ships of Sweden, the certificates of Swedish nationality and registry, or the certificates of measurement of which are dated on or after the first day of April, one thousand eight hundred and seventy-five, shall be deemed to be of the tonnage denoted in the said certificates of Swedish nationality and registry, or certificates of measurement.

Imperial—Merchant Shipping.

AT THE COURT AT WINDSOR, THE 17th DAY OF MAY, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by the "Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the Principal Act have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or of other papers in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Royal Norwegian Government, with the exception of a slight difference in the mode of estimating the allowance for engine room, and such rules are now in force in the kingdom of Norway,—having come into operation on the 1st day of April, 1876, Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:—

1. As regards sailing ships, that merchant sailing ships of the said kingdom of Norway, the measurement whereof shall, after the said 1st day of April, 1876, have been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steam ships, that merchant ships belonging to the said kingdom of Norway, which are propelled by steam or any other power requiring an engine room, the measurement whereof shall, after the said 1st day of April, 1876, have been ascertained and denoted in the registers and other national papers of such steam ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers, or other national papers, in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships; provided nevertheless, that if the owner or master of any such Norwegian steamship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement, and deduction applicable to British ships, instead of under the Norwegian rule, the engine room shall be measured and the deduction calculated according to the British rules.

C. L. PEEL.

Imperial—Foreign Deserters.

AT THE COURT AT WINDSOR, THE 17TH DAY OF MAY, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters' Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to such power when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient;

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant ships in the territories of His Majesty the Emperor of Brazil:

Now therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters' Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen not being slaves, and not being British subjects, who, within Her Majesty's dominions, desert from merchant ships belonging to the Empire of Brazil, shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, he may be detained until he has been tried by a competent court, and until his sentence (if any) has been fully carried into effect:

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 17TH DAY OF MAY, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by the "Foreign Deserters' Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty

may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to such power when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient;

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant ships in the territories of His Most Serene Highness Mohammed Essadock Bey, Lord of the Regency of Tunis:

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters' Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen, not being slaves, and not being British subjects, who, within Her Majesty's dominions, desert from merchant ships belonging to the Regency of Tunis, shall be liable to be apprehended and carried on board their respective ships:

Provided, always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent court, and until his sentence (if any) has been fully carried into effect:

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT BALMORAL, THE 23RD DAY OF OCTOBER, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending Seamen who desert from British Merchant Ships in the territories of any Foreign power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that Seamen, not being slaves, who desert from Merchant ships belonging to such power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient; and whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending Seamen who desert from British ships in the territories of His Majesty the King of Hawaii.

Now therefore, Her Majesty, by virtue of the power vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen not being slaves, and not being British Subjects, who within Her Majesty's dominions desert from Merchant ships belonging to the Kingdom of Hawaii shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such Deserter has committed any crime in Her Majesty's Dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect:

And the Secretaries of State for India in Council, the Home Department and the Colonies are to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT BALMORAL, THE 23rd DAY OF OCTOBER, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by "The Merchant Shipping Act Amendment Act, 1855," it was enacted, that in any case in which any lighthouse, buoy or beacon had been, or should be thereafter, erected or placed on or near the coasts of any British possession, by or with the consent of the Legislative authority of such possession, Her Majesty might, by Order in Council, fix shch dues in respect thereof, to be paid by the owner or master of every ship which passes the same, or derives benefit therefrom as Her Majesty might deem reasonable, and might, in like manner from time to time, increase, diminish, or repeal such dues; and that from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished the same should be leviable throughout Her Majesty dominions in manner thereinafter mentioned:

And whereas a lighthouse was, by and with the consent of the Legislative authority of the Colony of Newfoundland, erected on Cape Race, in the said Colony, and a light exhibited therein; and a steam fog-whistle has also been erected at that station:

And whereas by an Order in Council dated the thirtieth September One thousand eight hundred and seventy-three, Her Majesty was pleased to direct that the dues to be paid in respect of ships passing and deriving benefit from the said light and fog-signal, as in the said Order in Council appearing, should be one-twelfth of a penny per ton of the burden of every such ship:



And whereas it is expedient, having regard to the expenditure incurred in the erection of such fog-signal, and to the expense of maintaining such lighthouse and fog-signal, that the due now leviable in respect of the same under the Order in Council of the thirtieth of September, One thousand eight hundred and seventy-three should cease, and that an increased due of one-eighth of a penny a ton should be levied instead thereof, in respect of the said lighthouse and steam fog-whistle:

And whereas the several classes of ships following; that is to say,

(1.) All ships, whether sailing ships, or steamships, navigating from any port or ports in the British Colonies in North America to any port or ports in the United Kingdom;

(2.) All ships, whether sailing ships, or steamships, navigating from any port or ports in the United Kingdom to any port or ports in the British Colonies in North America;

(3.) All ships, whether sailing ships or steamships, bound from any port or ports in the British Colonies in North America, upon any transatlantic voyage;

(4.) All ships, whether sailing ships or steamships, arriving at any port or ports in the British Colonies in North America, after any transatlantic voyage;

(5.) All ships, whether sailing ships or steamships, arriving at any port or ports in the United Kingdom from New York or any port in the United States, north of New York;

(6.) All steamships leaving any port or ports in the United Kingdom for New York, or any port in the United States north of New York,—

will pass the said lighthouse and steam fog-whistle, and will derive benefit therefrom:

Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased to direct, that from and after the first December, One thousand eight hundred and seventy-six, the dues leviable in respect of the said lighthouse and steam fog-whistle upon Cape Race, under the said Order in Council of the thirtieth September, One thousand eight hundred and seventy-three, shall cease; and that from and after the said first December, One thousand eight hundred and seventy-six, the dues in respect of the lighthouse upon Cape Race, and of the steam fog-whistle, to be paid by every such ship as aforesaid shall be one-eighth of a penny per ton of the burden of every such ship for every such voyage as aforesaid:

But no such dues as aforesaid shall be levied in any Colony, unless and until the Legislative authority in such Colony has, either by address to the Crown, or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony.

C. L. PEEL.

BY THE QUEEN.

A PROCLAMATION.

Victoria R.

WHEREAS we are happily at Peace with all Sovereigns, Powers and States;

And whereas, notwithstanding our utmost exertions to preserve peace between all Sovereign Powers and States, a state of war unhappily exists between His Majesty the Emperor of all the *Russias* and His Majesty the Emperor of the *Ottomans*, and between their respective subjects and others inhabiting within their countries, territories or dominions;

And whereas we are on terms of friendship and amicable intercourse with each of these Sovereigns, and with their several subjects and others inhabiting within their countries, territories or dominions;

And whereas great numbers of our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges, within the dominions of each of the aforesaid Sovereigns, protected by the faith of treaties between us and each of the aforesaid Sovereigns;

And whereas we, being desirous of preserving to our subjects the blessings of peace which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial neutrality in the said state of war unhappily existing between the aforesaid Sovereigns:

We, therefore, have thought fit, by and with the advice of our Privy Council to issue this our Royal Proclamation:

And we do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril:

And whereas, in and by a certain statute made and passed in a Session of Parliament holden in the 33rd and 34th years of our reign, intituled "*An Act to regulate the conduct of Her Majesty's subjects during the existence of hostilities between foreign States with which Her Majesty is at peace*," it is amongst other things declared and enacted as follows:—

"ILLEGAL ENLISTMENT.

"If any person, without the license of Her Majesty, being a British subject, within or without Her Majesty's Dominions, accepts or agrees to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with any Foreign State at peace with Her Majesty, and in this Act referred to as a friendly State, or whether a British subject or not, within Her Majesty's Dominions, induces any other person to accept or agree to accept any commission or engagement in the Military or Naval Service of any such Foreign State as aforesaid,—He shall be guilty

of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted: and imprisonment, if awarded, may be either with or without hard labour.

"If any person without the license of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty's Dominions, with intent to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with a friendly State,—or whether a British subject or not, within Her Majesty's Dominions—induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's Dominions with the like intent,—He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If any person induces any other person to quit Her Majesty's Dominions, or to embark on any ship within Her Majesty's Dominions, under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with a friendly State,—He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If the master or owner of any ship without the license of Her Majesty, knowingly either takes on board or engages to take on board, or has on board such ship. within Her Majesty's Dominions, any of the following persons in this Act referred to as illegally enlisted persons, that is to say,—

"(1.) Any person who, being a British subject within or without the Dominions of Her Majesty, has, without the license of Her Majesty, accepted, or agreed to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with any friendly State;

"(2.) Any person being a British subject, who, without the license of Her Majesty, is about to quit Her Majesty's Dominions with intent to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with a friendly State;

"(3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the Military or Naval Service of any Foreign State at war with a friendly State,—

"Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue; that is to say:—

"(1.) The offender shall be punishable by a fine and imprisonment, or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and—

"(2.) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two Justices of the Peace, or other Magistrate or Magistrates, having the authority of two Justices of the Peace; and—

"(3.) All illegally enlisted persons shall, immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the ship.

ILLEGAL SHIPBUILDING AND ILLEGAL EXPEDITIONS.

"If any person within Her Majesty's Dominions without the license of Her Majesty, does any of the following Acts; that is to say,—

"(1.) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe. that the same shall or will be employed in the Military or Naval Service of any Foreign State at war with any friendly State; or—

"(2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at war with any friendly State; or—

"(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at war with any friendly State; or—

"(4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at war with any friendly State—

"Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue:—

"(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour;

"(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty:

"Provided, that a person building, causing to be built or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping, if he satisfies the conditions following; that is to say,—

"(1.) If, forthwith, upon a Proclamation of Neutrality being issued by Her Majesty, he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Secretary of State;

"(2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring

that such ship shall not be despatched, delivered, or removed without the license of Her Majesty until the termination of such war as aforesaid.

"Where any ship is built by order of or on behalf of any Foreign State when at war with a friendly State, or is delivered to or to the order of such Foreign State, or any person who, to the knowledge of the person building, is an agent of such Foreign State, or is paid for by such Foreign State or such agent. and is employed in the Military or Naval service of such Foreign ship, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the Military or Naval service of such Foreign State.

"If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

"By adding to the number of the guns or by changing those on board for other guns, or by the addition of any equipment of war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting, the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the Military or Naval service of any Foreign State at war with any friendly State,—

"Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If any person within the limits of Her Majesty's dominions, and without the license of Her Majesty,—

"Prepares or fits out any Naval or Military expedition to proceed against the dominions of any friendly State, the following consequences shall ensue:—

"(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"(2.) All ships, and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to Her Majesty.

"Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender."

And whereas by the said Act it is further provided that ships built, commissioned, equipped, or despatched in contravention of the said Act, may be condemned and forfeited by judgment of the Court of Admiralty; and that if the Secretary of State or Chief Executive Authority is satisfied that there is a reasonable and probable cause for believing that a ship within Our Dominions has been or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such

dominions, or that a ship is about to be despatched contrary to the Act, such Secretary of State, or Chief Executive Authority, shall have power to issue a warrant authorizing the seizure and search of such ship and her detention until she has been either condemned or released by process of law; And whereas certain powers of seizure and detention are conferred by the said Act on certain Local Authorities:

Now, in order that none of Our subjects may unwarily render themselves liable to the penalties imposed by the said Statute, We do hereby strictly command, that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed, and of Our high displeasure.

And We do hereby further warn and admonish all Our loving subjects, and all persons whatsoever entitled to Our protection, to observe towards each of the aforesaid Sovereigns, their subjects and territories, and towards all belligerents whatsoever, with whom we are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which We and Our Royal predecessors have always claimed to exercise.

And We hereby further warn all Our loving subjects, and all persons whatsoever entitled to Our protection, that if any of them shall presume, in contempt of this, Our Royal Proclamation, and of Our high displeasure, to do any acts in derogation of their duty as subjects of a neutral Sovereign in a war between other Sovereigns, or in violation or contravention of the law of nations in that behalf, as more especially by breaking or endeavouring to break, any blockade lawfully and actually established by or on behalf o either of the said Sovereigns, or by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usages of nations, for the use or service of either of the said Sovereigns, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to hostile capture, and to the penalties denounced by the law of nations in that behalf.

And We do hereby give notice that all Our subjects and persons entitled to Our protection who may misconduct themselves in the premises will do so at their peril, and of their own wrong; and that they will in nowise obtain any protection from Us against such capture, or such penalties as aforesaid, but will, on the contrary, incur Our high displeasure by such misconduct.

Given at Our Court at Windsor, the Thirtieth day of April, in the year of Our Lord One thousand eight hundred and seventy-seven, in the Fortieth year of Our Reign.

GOD SAVE THE QUEEN.

GOVERNMENT HOUSE,
OTTAWA, 20th July, 1877.

His Excellency the Governor General gives notice that the subjoined regulations respecting the observance of neutrality during the existing state of war between the Emperor of all the Russias and the Emperor of the Ottomans will be in force and are to be observed within the Dominion of Canada, and are to be obeyed by all persons within the said Dominion, and upon the waters adjacent thereto and within its jurisdiction, on, from and after the twenty-eighth day of July inst.

By Command of His Excellency,
R. W. SCOTT,
Secretary of State.

EXTRACT from the " London Gazette " Extraordinary of Monday, 30th April, 1877.

The Earl of Derby to the Lords Commissioners of the Admiralty.

FOREIGN OFFICE,
30th April, 1877.

MY LORDS,—Her Majesty being fully determined to observe the duties of neutrality during the existing state of war between the Emperor of all the Russias and the Emperor of the Ottomans, and being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordships, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions:

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom, the Isle of Man, and the Channel Islands, on and after the 5th of May instant, and in Her Majesty's territories and possessions beyond the seas, six days after the day when the Governor, or other chief authority of each of such territories or possessions respectively, shall have notified and published the same; stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions :—

1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's Colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort, for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel

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of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of, at least, twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

2. If any ship of war of either belligerent shall, after the time when this Order shall be first notified and put in force in the United Kingdom, the Isle of Man, and the Channel Islands, and in the several Colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew or repairs,—in either of which cases the authorities of the port, or of the nearest port, as the case may be, shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use: and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided, nevertheless, that in all cases, in which there shall be any vessel (whether a ship of war or merchant ship) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchant ship), of the one belligerent, and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

4. Armed ships of either party are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of Her Majesty's Colonies or possessions abroad.

I have, etc.,
(Signed) DERBY.



ORDERS IN COUNCIL, &c.

CANADA.

Governor-General.

By Order in Council of the 5th day of May, 1876, His Excellency the Governor General declared his disallowance of an Act passed by the Legislature of British Columbia, entitled "An Act to make provision for the "better administration of Justice."

Vide Canada Gazette, Vol. 9, p. 1,457.

By Order in Council of the 6th day of June, 1876, His Excellency the Governor General declared his disallowance of an Act passed by the Legislature of Manitoba, entitled "An Act to regulate proceedings against and "by the Crown."

Vide Canada Gazette, Vol. 9, p. 1,598.

By Order in Council of the 16th day of August, 1876, His Excellency the Governor General declared his disallowance of an Act passed by the Legislature of the Province of Manitoba, entitled "An Act respecting "Escheats, Fines, Penalties and Forfeitures."

Vide Canada Gazette, Vol. 10, p. 182.

By Order in Council of the 7th day of October, 1876, His Honor the Deputy Governor declared his disallowance of an Act passed by the Legislature of Manitoba, entitled "An Act to afford facilities for the construction "of a bridge over the Assiniboine River, between the City of Winnipeg "and St. Boniface West."

Vide Canada Gazette, Vol. 10, p. 487.

By Order in Council of the 7th day of October, 1876, His Honor the Deputy Governor also declared his disallowance of another Act passed by the same Legislature, entitled "An Act to amend Chapter 46, Victoria 37, "intituled 'The Half-breed Land Grant Protection Act.'"

Vide Canada Gazette, Vol. 10, p. 488.

Governor General.

By a Proclamation bearing date the 7th day of October, 1876, His Excellency, in Her Majesty's name, declared that the Act made and passed by the Parliament of Canada, in the 38th year of Her Majesty's Reign, chaptered 49, and intituled "An Act to amend and consolidate the Laws respecting the North-West Territories," should come into force and effect upon, from and after the 7th day of October, in the year of Our Lord, 1876.
Vide Canada Gazette, Vol. 10, p. 457.

By Order in Council of the 25th day of October, 1876, His Excellency the Governor General declared his disallowance of an Act passed by the Legislature of Quebec, entitled "An Act to incorporate the St. Lawrence "Bridge Company."
Vide Canada Gazette, Vol. 10, p. 563.

By an Order in Council of the 8th day of December, 1876, His Excellency the Governor General declared his assent to an Act passed by the Legislature of Prince Edward Island, entitled "An Act to vest a certain "portion of Government House Farm, Charlottetown, in the City of Char- "lottetown, for certain purposes therein mentioned."
Vide Canada Gazette, Vol. 10, p. 772.

GOVERNMENT HOUSE, OTTAWA,
Friday, 11th day of May, 1877.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by the second section of the "North-West Territories Act, 1877," it is amongst other things in effect enacted, that the persons to be appointed Members of the Council of the North-West Territories, before entering upon the duties of their offices, shall "take and subscribe before "the Lieutenant-Governor such Oath of Allegiance and such Oath of Office "as the Governor in Council may prescribe," and the same section further provides that "the Clerk of the said Council shall take before the Lieutenant- "Governor such Oath of Office as the Governor in Council may prescribe."

Now, in pursuance of the powers so by the said Statute conferred as aforesaid, His Excellency, by and with the advice of the Privy Council, has been pleased to order, and it is hereby ordered,—

1. That the Members of the Council of the North-West Territories shall make and subscribe before the Lieutenant-Governor, or some one authorized by him, the Oath of Allegiance and of Office in the following words, viz.:

OATH OF ALLEGIANCE.

I , do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful

Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her person, crown and dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her heirs or successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation. So help me God.

THE OATH OF THE MEMBERS OF THE COUNCIL.

You , do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the place of Her Council in these Her Majesty's North-West Territories; You will keep close and secret all such matters as shall be treated, debated and resolved on in Council relative to your executive functions, without publishing or disclosing the same or any part thereof, by word, writing, or any otherwise, to any person out of the same Council, but to such only as be of the Council; and yet if any matter so propounded, treated and debated in any such Council shall touch any particular person sworn of the same Council, upon any such matter as shall in any wise concern his loyalty and fidelity to the Queen's Majesty, you will in no wise open the same to him, but keep it secret, as you would from any person, until the Queen's Majesty's pleasure be known in that behalf. You will, in all things to be moved, treated and debated, in any such Council, faithfully, honestly and truly declare your mind and opinion to the honour and benefit of the Queen's Majesty and the good of Her subjects, without partiality or exception of persons, in no wise forbearing so to do from any manner of respect, favour, love, meed, displeasure, or dread of any person or persons whatsoever. In general, you will be vigilant, diligent and circumspect in all your doings touching the Queen's Majesty's affairs; all which matters and things you will faithfully observe and keep, as a good Councillor ought to do, to the utmost of your power, will and discretion. So help you God.

II. That the Clerk of the Council shall take and subscribe before the Lieutenant-Governor the following oath of office:

OATH OF OFFICE.

I , do swear that I will bear faithful and true obedience to Our Sovereign Lady the Queen, Her heirs and successors. I will, according to the best of my power and ability, faithfully perform such services as may be required of me as Clerk of the Council of the North-West Territories; and, moreover, I do swear that the secrets of the Lieutenant-Governor in Council I will in no way reveal. So help me God.

And whereas, by the third section of the said Act, it is further enacted that "the Lieutenant-Governor, by and with the advice of the Legislative "Assembly, as the case may be, shall have such powers to make Ordinances "for the Government of the North-West Territories as the Governor in

Governor General, &c.

"Council may, from time to time, confer upon him: Provided always, that "such powers shall not at any time be in excess of those conferred by the "ninety-second section of 'The British North America Act, 1867,' upon the "Legislatures of the several Provinces ot the Dominion;"

Now, in pursuance of the powers by the said Statute conferred, His Excellency, by and with the advice of the Privy Council, has been pleased further to order, and it is hereby ordered, that the Lieutenant-Governor in Council shall be and he is hereby empowered to make Ordinances in relation to the following subjects, that is to say:—

1. The establishment and tenure of territorial offices, and the appointment and payment of territorial officers;

2. The establishment, maintenance and management of prisons in and for the North-West Territories;

3. The establishment of municipal institutions in the Territories, in accordance with the provisions of the "North-West Territories Acts, 1875 and 1877;"

4. The issue of shop, auctioneer and other licenses, in order to the raising of a revenue for territorial or municipal purposes;

5. The solemnization of marriage in the Territories;

6. The administration of justice, including the constitution, organization and maintenance of territorial courts of civil jurisdiction;

7. The imposition of punishment by fine, penalty or imprisonment for enforcing any territorial ordinance;

8. Property and civil rights in the Territories, subject to any legislation by the Parliament of Canada upon these subjects, and—

9. Generally on matters of a merely local or private nature in the Territories.

W. A. HIMSWORTH,

Clerk of the Queen's Privy Council for Canada.

Agriculture, &c.

PRIVY COUNCIL CHAMBER,
OTTAWA, 21st December, 1876.

I certify, that the four forms hereunto appended of Schedules to be used under the provisions of the Act 39 Vict, chap. 13, intituled: "An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada," were submitted to and approved by His Excellency the Governor General in Council, under the 7th section of the said Act, on the 15th day of December, instant.

W. A. HIMSWORTH.

Clerk, Privy Council.



Agriculture, &c.

I.

Year..............

DOMINION OF CANADA.

Province of......................................

RETURN of Persons tried before the Court of........................ during the year ending 30th September, 187 .

Serial Number.	Name of the Accused.	Residence.	Profession or Trade.	Age and Sex. M.	Age and Sex. F.	Place of Birth.	Religion.	State of Education. Unable to read.	State of Education. Unable to write.	State of Education. Elementary instruction.	State of Education. Superior instruction.	Habits. Temperate.	Habits. Intemperate.	Married, single or widowed.	Offence.	Conviction, acquittal.	Sentence.	Whether previously convicted, and how many times.	Remarks.

Signed......................................

Dated ....

To the Minister of Agriculture,
Ottawa.

II.

DOMINION OF CANADA.

Province of.....................................

RETURN of Prisoners committed to the.................during the year ending 30th September, 187 .

Serial Number.	Name of Prisoner.	Residence.	Profession or Trade (of parents if a youth).	Age and Sex. M.	Age and Sex. F.	Place of Birth.	Religion.	State of Education. Unable to read.	State of Education. Unable to write.	State of Education. Elementary instruction.	State of Education. Superior instruction	Habits. Temperate	Habits. Intemperate.	Married, single or widowed.	Offence or cause for which committed.	No. of previous committals.	Discharged. 1. By pardon.	Discharged. 2. By expiration of sentence.	Discharged. 3. By order of Court.	By transfer to another prison.	Executed, escaped or died.	Date of discharge or otherwise.	Sentence.

Signed.................. ... .

Dated ....

To the Minister of Agriculture,
Ottawa.

III.

DOMINION OF CANADA.

Province of.......................................

RETURN of Criminal Cases in which the Prerogative of mercy has been exercised during the year ending 30th September, 187 .

Serial Number.	Name of pardoned.	Penitentiary, gaol or other place where confined.	Age and Sex. M.	Age and Sex. F.	Offence.	By what Court committed.	Date of committal.	Sentence.	Date of pardon.	Conditions, if any, to pardon.	Remarks.

Signed.......................................

Dated ....

To the Minister of Agriculture,

Ottawa.

IV.

DOMINION OF CANADA.

Province of.......................................

RETURN of Convictions made by me (*or* us, *as the case may be*) in the month of.........................187 .

Serial Number.	Name of the Prosecutor.	Name of the Defendant.	Nature of the charge.	Date of conviction.	Name of convicting Justices.	Amount of penalty, fine or damage.	Time when paid or to be paid to said Justice.	To whom paid over by said Justice.	If not paid, why not, and general observations, if any.
						$. cts.			

A. B., Convicting Justice, or A. B. and C. D., Convicting Justices (*as the case may be*).

To the Minister of Agriculture,

Ottawa.

Agriculture, &c.

PRIVY COUNCIL CHAMBER,
OTTAWA, 9th January, 1877.

I hereby certify that the form hereunto appended of the Schedule to be used under the provisions of the Act 39 Vict., Chap. 30, intituled "An Act to amend '*The Insolvent Act of* 1875,'" was submitted to and approved by His Excellency the Governor-General in Council, under the 30th section of the said Act, on the 6th day of January instant.

W. A. HIMSWORTH,
Clerk, Privy Council.

Dominion of Canada.—Province of..................................

RETURN of Insolvents during the year ending 30th September, 1876, from ....Official Assignee for..............................

Serial Number.	Name of Insolvents who have made an assignment, or against whom a writ of attachment has been issued.	Residence.	Place of Business.	Nature of the Trade or Business.	Date of assignment or writ of attachment.	Name of Official Assignee and district to whom assignment has been made or by whom writ was issued.	Name and address of the Assignee appointed by creditors.	Amount of liabilities as given up by Insolvent.		Amount of claims proved.		Amount of composition promised.		Rate p. $.
1	2	3	4	5	6	7	8	9		10		11		12
								$	c.	$	c.	$	c.	

Amount of				Dividends declared.									
Composition paid.		Dividends paid.		Amount.		Rate.	Whether a discharge has been granted within 1 year or not; if not, why not?	The amount of dividends remaining unpaid after three months from declaration of last dividend.		Total amount received on account of Estate.		Assignee's final discharge when granted.
13		14		15			16	17		18		19
$	cts.	$	cts.	$	cts.			$	cts.	$	cts.	

Agriculture, &c.

Assignee's Cash Statement.		Disbursed in payment of															
Received on account of Estate.		Paid on account of Estate.		Assignee's commision.		Law Expenses.		Miscellaneous.		Total amount disbursed.		When Creditors' Assignee filed papers in office of Official Assignee of District.	Did Insolvent keep his books correctly.	What is the reason assigned by the Insolvent as the cause of his failure.	What were the gross expenses incurred when Insolvent received his discharge.		Remarks.
20		21		22		23		24		25		26	27	28	29		30
$	cts.	$	cts.	$	cts.	$	cts	$	cts.	$	cts.				$	cts	

To the Minister of Agriculture, Signed.................................

Ottawa. Dated ....

GOVERNMENT HOUSE,
OTTAWA, 2nd day of March, 1877.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the contagious cattle disease known as "Rinderpest" prevails in many parts of Europe, and it is expedient in order to prevent the introduction of the same into Canada, that the importation of cattle by sea be prohibited:—

His Excellency, on the recommendation of the Honorable the Minister of Agriculture, and under the provisions of the Act passed in the 32nd and 33rd years of Her Majesty's Reign, and intituled "An Act respecting contagious diseases affecting animals," has been pleased to order and it is hereby ordered: That from and after the date of this order the importation and introduction into any Port in Canada from Europe of neat cattle and of skins, hides, horns, hoofs or other parts of such animals, hay, straw, fodder or other effects susceptible of conveying disease, be and the same is hereby prohibited till otherwise ordered.

W. A. HIMSWORTH,
Clerk, Privy Council.

Customs.

By Order in Council of 25th April, 1876, "Raw Silk as reeled from the "cocoon" is admitted free of duty.
Vide Canada Gazette, Vol. 9, p. 1,424.

By Order in Council of 6th May, 1876, "Slate squared for roofing "purposes" is subject to 17½ p.c. duty as "non-enumerated."
Vide Canada Gazette, Vol. 9, p. 1,485.

Customs, &c.

By an Order in Council bearing date the 31st July, 1876, the Order in Council passed on the 15th June, 1869, authorizing the free entry of changeable gauge cars manufactured by the National Car Co., of St. Albans, U.S., and the material necessary for repairing them, was rescinded, and hereafter, all foreign materials imported into Canada for the repair of foreign railway cars disabled *en route*, are subject to the duties prescribed by the tariff on such materials.
Vide Canada Gazette, Vol. 10, p. 133.

By Order in Council of 7th October, 1876, the Port of Richmond, N.B., was made an out-port under the survey of the Collector of Woodstock, N.B.
Vide Canada Gazette, Vol. 10, p. 489.

By Order in Council of 7th May, 1877, Belle River, Ont., was made an out-port of Entry, under the survey of Windsor, Ont.
Vide Canada Gazette, Vol. 10, p. 1472.

By Order in Council of same date, Barrie, Ont., was also made an out-port of Entry, under the survey of Toronto.
Vide Canada Gazette, Vol. 10, p. 1472.

By Order in Council of same date, St. Armand, Que., was constituted a port of Entry, and Philipsburg reduced to the rank of an out-port under the survey of St. Armand.
Vide Canada Gazette, Vol. 10, p. 1472.

Finance.

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING :

A PROCLAMATION.

EDWARD BLAKE, Attorney General, Canada.

WHEREAS in and by a certain Act of the Parliament of Canada, passed in the Thirty-fourth year of Our Reign, chaptered Four, and intituled " An Act to establish one uniform currency for the Dominion of Canada," it is amongst other things in effect enacted, that the silver, copper or bronze coins which We had caused to be struck for circulation in the Provinces of Quebec, Ontario and New Brunswick, under the Acts in force at the time of the passing of the said Act now in recital,

in the said Provinces respectively, should continue to be current and a legal tender therein, and should, on and after the first day of July, in the year one thousand eight hundred and seventy-one, be current and a legal tender in the Province of Nova Scotia, at the rates in the currency of Canada assigned to them respectively by the said Acts in force at the time of the passing of the said Act now in recital, and under the like conditions and provisions;

AND WHEREAS it is further in and by the said Act now in recital enacted, that such other silver, copper or bronze coins as We may cause to be struck for circulation in Canada, shall pass current and be a legal tender in Canada at the rates to be assigned to them respectively by Our Proclamation, and that such copper or bronze coins shall be a legal tender to the amount of twenty-five cents in any one payment, and that no other silver, copper or bronze coins than those which we shall have caused to be struck for circulation in Canada, or in some Province thereof, shall be a legal tender in Canada;

AND WHEREAS We have caused to be struck for circulation in Canada certain bronze coins representing each one cent or hundredth part of a dollar, said coins bearing on the obverse Our Effigy with the words "Victoria Dei Gratia Regina, Canada," and on the reverse the words "One Cent," with the date 1876, within a beaded circle surrounded by a wreath of maple leaves;--

NOW KNOW YE, that We hereby assign to the said bronze coins which We have caused to be struck for circulation in Canada as aforesaid, the rate and denomination of one cent or hundredth part of a dollar each in the currency of Canada, and We do ordain in virtue of the said hereinabove in part recited Act intituled "An Act to establish one uniform currency for the Dominion of Canada" that the said bronze coins shall be a legal tender to the amount of twenty-five cents in any one payment.

Of all which our loving subjects, &c., &c.

IN TESTIMONY WHEREOF, &c., &c.

At OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Ninth day of December, in the year of Our Lord One thousand eight hundred and seventy-six, and in the Fortieth year of Our Reign.

By Command.

R. W. SCOTT,
Secretary of State.



Inland Revenue.

REGULATIONS

For Ferry across the Ottawa, between New Edinburgh, in Ontario, and Waterloo or Gatineau Point, in Quebec

1ST.—LIMITS.

On the Ontario side of the river, the limit shall extend from the eastern limit of the City of Ottawa to Rockliffe.

On the Quebec side of the river, the limits shall include both sides of the River Gatineau, up to the Government Booms; and shall also extend from the mouth of the Gatineau, to a point one mile eastward of the old ferry landing, on the Quebec shore of the river Ottawa.

2ND.—LANDING STAGES OR WHARVES.

Suitable landing stages or wharves must be constructed and maintained at the cost of the lessee, which must be safe and available at all states of the river, and subject to the approval of the Department of Inland Revenue.

3RD.—FERRY BOAT.

Shall be a substantial seaworthy steamer, propelled by side wheels and a low pressure engine, and must have a Government certificate as to the safety of the boiler and engine. The size of the hull must be not less than 100 feet keel by 21 feet beam, or sufficiently large to carry at one time, and with safety, eight loaded teams and 120 passengers. The main deck must be suitably covered to protect the passengers from the weather. The engine to be of not less than thirty horse nominal power.

4TH.—NUMBER OF TRIPS, &C.

From the opening of navigation to the 31st of August, the ferry boat shall commence running daily, Sundays excepted, at Six o'clock, a.m., and shall continue to cross from each side every hour thereafter until Six o'clock, p.m.

From the 1st of September, till the close of navigation, the trips shall be commenced daily, Sundays excepted, at Seven o'clock, and shall continue from each side every hour thereafter until Six o'clock, p.m.

5th.—TARIFF OF CHARGES.

The maximum charges for ferrying shall be as follows:—

		cents.
For two-horse cart or waggon, with driver......	each way...	30
For one-horse cart or waggon, with driver......	do ...	20
For one horse..	do ...	10
For one head of horned cattle......................	do ...	15
For one sheep or swine.............................	do ...	5
For one passenger....................................	do ...	5
For every 100lbs freight............................	do ...	1

6th. The ferry boat shall be placed on the route fully completed and equipped, and the landing stages fully constructed immediately upon the opening of the navigation in the spring of 1876.

7th. The lease will be granted for a period of five years from the first of May, 1876.

8th. The lessee will be required to give two sureties, satisfactory to the Department of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of $10,000 for the full compliance of the lessee with the terms of the lease.

9th. The right will be reserved to the Department of Inland Revenue of rejecting the ferry boat or landing wharves should they or either of them be deemed unsuitable to the service, unsafe or inadequate to meet the public wants.

The right is also reserved to the Governor in Council to modify the maximum tariff, should it be deemed expedient in the public interest to do so; and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions hereof.

10th. The lessee of the ferry boat shall, at all times during the continuance of the lease, carry over and across the ferry, without fee, toll or reward, all mail matter, militiamen, soldiers or sailors, when provided with proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate for passengers' fees.

11th. A notice of the rates of fares and tolls to be charged for ferriage shall be put up in a conspicuous place near the ferry landing, on both sides, and also on board the steam ferry boat employed.

12th. The lessee shall not at any time during the term of his lease, knowingly ferry, take or carry, or permit to be ferried, taken or carried over or across the said ferry, any contraband articles whatsoever.

REGULATIONS

Approved **14th** *June*, 1876, *for Ferry between Ottawa, Ontario, and Hull, Que*

1st.—LIMITS.

On the Ontario side of the river the limits shall be conterminous wih the limits of the city of Ottawa. On the Quebec side of the river the limits shall extend from the Union Suspension Bridge to the point known as the Haycock's Point, and on which a saw mill has been recently erected by Messrs. Gilmour & Co.

2nd.—LANDING STAGES OR WHARVES.

Suitable landing stages or wharves must be constructed and maintained at the cost of the lessee, which must be safe and available at all states of the river and subject to the approval of the Department of Inland

Revenue. Stages of a temporary character will be allowed, provided they are safe, during the season of 1876. Permanent landing places shall be constructed by the opening of the navigation in 1877.

3RD.—FERRY BOAT.

The vessel used shall be a substantial seaworthy steamer of sufficient size, and must have a Government certificate as to safety of boiler and engine.

The main deck must be suitably covered to protect passengers from the weather. Parties tendering are to specify the dimensions and character of the proposed boat, the power of the engines, and whether high or low pressure.

They must also state the proposed location of the landing stages, and the manner in which they propose to construct them.

4TH.—NUMBER OF TRIPS.

From the opening to the close of navigation the ferryboat shall commence running daily, Sundays excepted, at six o'clock a.m., and shall continue to cross from each side three times every hour thereafter until eight o'clock p.m. Earlier or later trips to be made at the option of the lessee, except from 10th June to 10th October, when four trips must be made in each hour.

5TH.—TARIFF OF CHARGES.

The maximum charge for ferrying shall be as follows :—

For two horse cart or waggon with driver and load, each way,		30 cts.
For one horse cart or waggon with driver and load	"	20 cts.
For one horse	"	10 cts.
For one head of horned cattle	"	15 cts.
For one sheep or swine	"	5 cts.
For one passenger	"	5 cts.
For every 100 lbs. freight	"	1 ct.

6th. The ferry-boat shall be placed on the route fully completed and equipped and the landing stages so far completed as to be safe for use immediately on the expiration of the present lease, viz.: 19th July, 1876, and the boat, as well as permanent landings, shall be ready on the opening of navigation each subsequent year during the continuance of the lease.

7th. The lease will be granted for a period of five years.

8th. The lessee will be required to give two sureties satisfactory to the Department of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of $10,000 for the full compliance by the lessee with the terms of the lease.

9th. The right to be reserved by the Department of Inland Revenue of rejecting the ferry-boat or landing-wharves, should they or either of them be at any time deemed unsuitable to the service, unsafe or inadequate to meet the public wants, and to resume the ferry and re-let it.

The right is also reserved to the Governor in Council to modify the maximum tariff should it be deemed expedient to the public interest to do so, and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shewn that the lessee fails to comply with the conditions thereof.

10th. The lessee of the ferry shall, at all times during the continuance of the lease, carry over and across the ferry without fee, toll or reward all mail matter, militiamen, soldiers or sailors when provided with the proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate for passenger fees.

11th. A notice of the rates of fares and tolls to be charged for ferriage shall be put in a conspicuous place near the ferry landing on both sides of the river, and also on board the steam ferry-boat employed.

12th. The lessee shall not at any time during the term of his lease knowingly ferry, take or carry, or permit to be carried, taken or ferried over or across the said ferry any contraband articles whatsoever.

By Order in Council of the 5th day of March, 1877, the City of Victoria, B.C., was made a Port at which raw or Leaf Tobacco may be imported into Canada.

Vide Canada Gazette, Vol. 10, p. 1145

By Order in Council of the 5th day of March, 1877, Yarmouth, N.S. was made a Port at which Raw or Leaf Tobacco may be imported into Canada.

Vide Canada Gazette, Vol. 10, p. 1145.

INTERIOR.

On a memorandum dated 21st April, 1876, from the Hon. the Minister of the Interior, stating, with reference to the question of the withdrawal of lands in the vicinity of the line of the Canadian Pacific Railway from ordinary sale and settlement, to be disposed of at a future period in connection with the construction of the Railway, that in view of avoiding possible difficulties with persons taking up land upon or in the vicinity of the line, as surveyed, to the westward of the Battle River, it is, in his opinion, expedient to extend the reserve authorized by the Order in Council, in that behalf, dated the 28th February last, and recommending therefore that the lands for 20 miles on each side of the line of the railway, from a point 20 miles westerly of the Battle River to Jasper House in the "Yellow Head" Pass through the Rocky Mountains, be withdrawn accordingly.

It was ordered accordingly on 22nd April, 1876.

Vide Canada Gazette, Vol., 9 p. 1538.

Interior.

On a memorandum dated 21st February, 1876, from the Hon. the Minister of the Interior, reporting * * * That the late Surveys for the Canadian Pacific Railway and the construction of the Telegraph line, have developed the fact that the crossing of the Battle River some 250 miles west of Fort Pelly, possesses special advantages as a site for a Town;

That the Battle River is said to be 175 feet across, in low water, with a depth of 12 feet, and is believed to be navigable for many miles towards its source;

That the soil in the vicinity is excellent, and the country generally eligible for settlement, and the general position is central and convenient for the Territories;

That in view of the above, he recommends that a block four miles square, making in all a block of 16 square miles, be reserved at such a point in the vicinity of the junction of the Battle and the Saskatchewan Rivers as may be found most convenient for a Town site. * * * He further recommends that the lands for 20 miles on both sides of the telegraph line, as laid out, extending from a point 20 miles westerly of Fort Pelly to a point 20 miles westerly of the mouth of the Battle River be withdrawn for the present from sale or settlement, as an extension of the reserve already set apart in connection with the construction of the Pacific Railway.

It was ordered accordingly on 28th February, 1876.

Vide Canada Gazette, Vol. 9 p. 1538.

By Order in Council of 27th June, 1876, the following Regulations in respect to the division and settlement of the lands on the Rainy River were adopted, that is to say:----

1. That lots be laid out with a frontage of ten chains on the said river, and of such a depth as the Minister may deem expedient; but, in no case, to exceed two miles.

2. That a settler be allowed to enter one of such ten chain lots as a homestead, and, if vacant, the adjoining one also, to which he shall have a preemption claim, the entries so made to operate in all respects as regards such two lots in the same manner as if they had been made upon regular quarter-sections under the homestead clauses of the said Act.

3. That each and every lot of land on the said river, claimed by virtue of settlement thereon previous to the survey, shall be made to conform to the terms of the first regulation as regards frontage and depth; provided, however, that, in any case in which a claimant may have more than twenty chains wide on the river under cultivation, the two lots covering such width to be selected by him shall represent his homestead and preemption right, and he shall, at his option, have the privilege of purchasing the lot or lots on which any excess of improvement exists over and above that made on the twenty chains, at the rate of one dollar per acre, in cash, or shall abandon such additional improvement on condition of receiving therefor the reasonable value thereof from the person who may, with the approval of the Minister of the Interior, obtain an entry for such lot or lots.

Vide Canada Gazette, Vol. 10, p. 10.

(*See also under heading* "*Miscellaneous.*")

JUSTICE.

By Proclamation of the 19th day of January, 1877, the following tract of land in Manitoba was set apart as a Penitentiary:—

1. The south-west quarter of section 11, in township 13, in the 2nd range east of the principal meridian, containing, by admeasurement, one hundred and sixty acres, of which the boundaries are particularly defined as follows, viz.:—

Commencing at a post planted at the south-west angle of section 11, in township 13, in the second range, east of the principal meridian; thence due north, along the westerly limit of the said section forty chains, more or less, to a post planted at the north-west angle of the south-west quarter of the said section; thence due east forty chains, more or less, to the centre point of the said section; thence due south forty chains, more or less, to the southerly limit of the said section; and thence due west along the latter forty chains, more or less, to the place of beginning, containing 160 acres, more or less; also,

2. Legal subdivision one and the south half of legal subdivision eight in the section aforesaid, containing sixty acres, of which the boundaries are particularly defined as follows, viz.:—

Commencing at the south-easterly angle of the said section; thence due west along the southerly limit of the same, twenty chains, more or less, to the south-easterly angle of legal subdivision one of the said section; thence due north thirty chains, more or less, to the north-westerly angle of the south half of legal subdivision eight of the said section; thence due east twenty chains, more or less, to the easterly limit of the said section; and thence due south along the latter thirty chains, more or less, to the place of beginning, containing sixty acres, more or less; also,

3. Legal subdivisions fifteen and sixteen in section two of the township aforesaid, containing eighty acres, of which the boundaries are particularly defined as follows:—

Commencing in the easterly limit of section number two, in the said township, and at the south-east angle of legal subdivision sixteen thereof: thence due west forty chains, more or less, to the south-westerly angle of legal subdivision fifteen of the said section number two; thence due north, twenty chains, more or less, to the northerly limit of the said section; thence due east along the latter forty chains, more or less, to the north-east angle of the said section; and thence due south along the aforementioned easterly limit thereof twenty chains, more or less, to the place of beginning, containing forty acres, more or less,—

Is a penitentiary, and is to be so held within the meaning of the said Act, and for all the purposes thereof.

Vide Canada Gazette, Vol. 10, p. 917.

MARINE AND FISHERIES.

Fisheries.

By Order in Council of the 25th day of April, 1876, the waters of Rivière du Sud (South River) within the parish of St. George de Henryville, in the county of Iberville, in the Province of Quebec, with limits extending one-half mile on each side of the mouth of the said River du Sud and to mid-channel of the Richelieu River, opposite the above stated reserve, at the mouth of said stream, were set apart for the natural propagation of fish.

Vide Canada Gazette, Vol. 9, p. 1422.

By Proclamation of the 8th day of May, 1876, the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, and intituled "An Act for the Regulation of Fishing, and protection of Fisheries," was extended to and made to apply to the Province of British Columbia upon, from and after the first day of July, then next ensuing.

Vide Canada Gazette, Vol. 9, p. 1483.

By Order in Council of the 19th day of May, 1876, it was ordered, that the first paragraph of the Fishery Regulation adopted by the Governor General in Council, on the 20th ultimo, relating to the Lobster Fishery, should be amended by substituting therefor the following :—

"No person shall fish for, catch, kill, buy, sell or possess any lobsters "between the 10th day of August and the 20th day of September in each "year."

Vide Canada Gazette, Vol. 9, p. 1513.

By Order in Council of the 18th day of September, 1876, it was ordered, that the Fishery Regulation adopted by the Governor General in Council on the 3rd of April, 1875, fixing a close season for Speckled Trout in the Provinces of Ontario and Quebec, should be amended by substituting the following regulation :—

"No person shall fish for, catch, kill, buy, sell or have in possession any Speckled Trout (*Salmo Fontinalis*) between the fifteenth day of "September and the first day of May in each year in the Province of Ontario; "and between the first day of October and the first day of February in "each year, in the Province of Quebec."

Vide Canada Gazette, Vol. 10, p. ?93.

Fisheries.

By Order in Council of the 19th day of September, 1876, it was ordered, that the Fishery Regulation adopted by the Governor General in Council on the 30th September, 1875, fixing a close season for Whitefish and Salmon Trout in the Province of Ontario, should be rescinded, and the following Regulation substituted therefor :—

" No person shall fish for, catch, kill, buy, sell or possess any White-" fish or Salmon Trout between the first and tenth days of November (both " days inclusive) in each year in the Province of Ontario."

Vide Canada Gazette, Vol. 10, p. 428.

By Order in Council of the 25th day of October, 1876, the Rivers Magog and Massawippi, in the Counties of Stanstead and Richmond, in the Province of Quebec, were set apart for the natural and artificial propagation of fish for and during a period of three years.

Vide Canada Gazette, Vol. 10, p. 563.

By Order in Council of the 13th day of March, 1877, the waters of Rice Lake and tributaries, together with the River Trent down to the Bay of Quinté, and also that portion of the Otonabee River, extending from its inlet at the said Lake to Lock's Bridge, Peterboro', all within the Counties of Hastings, Northumberland and Peterboro', in the Province of Ontario, were set apart for the natural and artificial propagation of fish, during the space of two years, from 1st May, 1877.

Vide Canada Gazette, Vol. 10, p. 1174.

By Order in Council of the 19th day of March, 1877, it was ordered, that that part of the Revised Fishery Regulations for the County of Northumberland, in the Province of New Brunswick, adopted in Council on the 28th of April, 1875, having reference to seining for Gaspereaux and Bass, should be amended as follows :—

" The use of seines for the purpose of catching Gaspereaux and Bass " is prohibited in the main River Miramichi, the North and South-West " Branches, the Bay du Vin, and Black Rivers, and in the Miramichi Bay " and Harbour."

Also, that the Fishery Regulation established by Order in Council of the 6th day of March, 1876, permitting fishing for Bass in the Napan and Black Rivers in the County of Northumberland, in the Province of New Brunswick, and along the shores of the main River Miramichi between the mouths of Napan and Black Rivers, in the aforesaid County, from the opening of navigation in the spring time until the 25th day of May in each year, be rescinded.

Vide Canada Gazette, Vol. 10, p. 1201.

Fisheries.

GOVERNMENT HOUSE, OTTAWA.
Monday, 23rd day of April, 1877.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of "The Fisheries Act,"—His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that that part of the Revised Fishery Regulations for the Province of New Brunswick, adopted by the Governor General in Council on the 28th of April, 1875, relating to the registration and marking of Salmon nets, and imposing a tax on the catch of Salmon and Bass, be, and the same is hereby amended as follows: that is to say—

COUNTY OF NORTHUMBERLAND.

Salmon Fishing.

Sections 4, 5 and 6, are repealed and replaced by the following:—

4. Before any Salmon net shall be used the owner or person interested in such net shall cause a memorandum in writing, setting forth the name of the owner or person interested, the length of the net, and its intended location, to be filed with the local Fishery Overseer, who, if no valid objection exists, may, in accordance with instructions from the Department of Marine and Fisheries, issue a Fishery License for the same; and any net used before such License has been obtained, and any net used in excess or evasion of the description contained in such License, shall be deemed to be illegal and liable to forfeiture, together with the fish caught therein, and the owner or person using the same shall be also subject to fine and costs under the *Fisheries Act*.

5. The owner or owners of any net or nets used for the purpose of taking Salmon, shall, on receiving such License, pay an annual License fee of three cents per fathom for each fathom of net so licensed; which License fee shall be paid to the local Fishery Overseer for transmission to the Department of Marine and Fisheries.

6. All Salmon nets shall have the name of the owner or owners legibly marked on two pieces of wood or metal attached to the same; and such mark shall be preserved on such nets during the fishing season in such manner as to be visible without taking up the net or nets; and any net used without such mark shall be liable to forfeiture.

Bass Fishing.

The last paragraph in Section 11 is repealed, and the following substituted in its stead:—

The owner or owners of nets used for the purpose of taking Bass shall first obtain License therefor and pay an annual License fee on each net legally in use, of one dollar; which fee shall be paid before any such net is used to the local Fishery Overseer for transmission to the Department of Marine and Fisheries.

[The same regulations were enacted for the Counties of Restigouche, Kent and Gloucester.]

Fisheries.

COUNTIES OF WESTMORELAND, ALBERT, ST. JOHN, KINGS, QUEENS SUNBURY, YORK, CARLETON AND VICTORIA.

Salmon Fishing.

Sections 2, 3 and 4 are repealed and replaced by the following :—

"2. Before any Salmon net shall be used, the owner or person interested in such net shall cause a memorandum, in writing, setting forth the name of the owner or person interested, the length of the net and its intended location, to be filed with the local Fishery Overseer, who, if no valid objection exists, may, in accordance with instructions from the Department of Marine and Fisheries, issue a Fishery License for the same ; and any net used before such License has been obtained, and any net used in excess or evasion of the description contained in such License, shall be deemed to be illegal and liable to forfeiture, together with the fish caught therein, and the owner or person using the same shall be also subject to fine and costs under the *Fisheries Act*.

"3. The owner or owners of any net or nets used for the purpose of taking Salmon, shall, on receiving such License, pay an annual License fee of fifty cents on each net so legally used, which License fee shall be paid to the local Fishery Overseer, for transmission to the Department of Marine and Fisheries.

"4. All Salmon nets shall have the name of the owner or owners legibly marked on two pieces of wood or metal attached to the same, and such mark shall be preserved on such nets, during the fishing season, in such manner as to be visible without taking up the net or nets ; and any net used without such mark shall be liable to forfeiture."

Bass Fishing.

The last paragraph in section 7 of the "Fishery Regulations for the Counties of Westmoreland and Albert," and in section 9 of the "Fishery Regulations for the Counties of St. John, Kings, Queens, Sunbury, York, Carleton and Victoria," are repealed, and the following substituted in their stead :—

"The owner or owners of nets used for the purpose of taking Bass shall first obtain a License therefor, and pay an annual License fee, on each net legally in use, of one dollar, which fee shall be paid, before any such net is used, to the local Fishery Overseer, for transmission to the Department of Marine and Fisheries.

[The same regulations respecting Salmon fishing only were enacted with respect to the County of Charlotte.]

"The Special Fishery Regulation for the Province of New Brunswick, adopted in Council on the 22nd of July, 1875, relative to a tax on Salmon and Bass Fishing, is hereby repealed."

Vide Canada Gazette, Vol. 10, p. 1392.

MARINE.

By Proclamation of the 28th April, 1876, His Excellency, proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island" shall thenceforth be in force at, and with respect to the Port of Goderich, in the county of Huron, in the Province of Ontario.

Vide Canada Gazette, Vol. 9, p. 1419.

By a Proclamation of the same date, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," shall thenceforth be in force at, and with respect to the Port of Neil's Harbour, in the County of Victoria, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 9, p. 1420.

Rules and Regulations,

For the government of the Port of Lunenburg, in the Province of Nova Scotia, under the Acts 36 Vict., chap. 9 and 38 Vict., chap. 30, and for the government of the office of Harbour Master for the said Port.

Approved by Order in Council of the 3rd April, 1876.

RULE I.

No vessel to be anchored, so as to swing at her anchors nearer to any wharf than two hundred yards, excepting for the purpose of coming to, or leaving a wharf or in removing from one wharf to another, and then not to remain any longer than necessary for such purpose unless from stress of weather or other unavoidable cause, to be judged of by the Harbour Master.

RULE II.

All vessels anchored for the purpose of being laid up on the western side of the Harbour must be so anchored as not to swing to the eastward of an imaginary line from the point of Selig's head to the western corner of Lindsay's wharf, and all vessels anchored for the purpose of being laid up on the eastern side of the Harbour must be so anchored, as not to swing to the westward of an imaginary line from the willow trees on Battery Point, to the eastern corner of Finck's wharf.

RULE III.

It shall be the duty of the Harbour Master of the said port, in person or by deputy authorized, to go on board of every ship or vessel of the burden of fifty tons (register tonnage) and upwards which shall arrive within the port of Lunenburg within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by these Regulations; and it shall lawful for such Harbour Master to ask, demand and receive as a compensation for his services, according to the following scale, and under the restrictions mentioned in the above named Acts:—

SCALE OF FEES.

For every ship of fifty tons register or under, fifty cents.

For every ship over fifty tons and not over one hundred tons register, one dollar.

For every ship over one hundred tons, and not over two hundred tons register, one dollar and fifty cents.

For every ship over two hundred tons and not over three hundred tons register, two dollars.

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents.

For every ship over four hundred tons and not over five hundred tons register, three dollars.

For every ship over five hundred tons and not over seven hundred tons register, four dollars.

For every ship over seven hundred tons register, five dollars.

RULE IV.

In case of any dispute arising between Masters, owners or any other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all Masters, Pilots, or other persons having the charge or command of any ship or vessel, shall comply with the directions of the Harbour Master or his Deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE V.

If any ship or vessel arriving and anchoring or being so moored or fastened to any wharf or vessel in the said Harbour, shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the Harbour, or moored or fastened as aforesaid, the Harbour Master or his Deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the Master, Pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his Deputy in this respect, under the penalty of twenty dollars for each and every offence.

Marine.

RULE VI.

Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to pay any damage sustained.

RULE VII.

Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in. and in the event of non-compliance all accidents to the same shall be at the risk of the persons so offending.

RULE VIII.

No vessel shall be left without some person to take care of her, by night and by day in summer time, when anchored in the stream or in the Harbour.

RULE IX.

All vessels lying at anchor in the Harbour shall keep a clear and bright light burning in summer time at least six feet from the uppermost deck, from sunset until sunrise.

RULE X.

All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the Harbour. under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of each ship or vessel.

RULE XI.

No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the Harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction): under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XII.

The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provisions for which no penalty is hereinbefore prescribed, shall be Forty Dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

Vide Canada Gazette, Vol. 9, p. 1359.

Marine.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 26th April, 1876.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by Order in Council of the 8th March, 1875, the Ports of Victoria and Esquimalt in British Columbia are determined as Ports to which the provisions of the Act 37 Vict., chap. 32, providing for the appointment of Port Wardens shall apply;

And whereas there is no Board of Trade or Chamber of Commerce at the Ports referred to,—His Excellency, under the authority of the 35th section of the said Act, has been pleased to establish the following Tariff of fees to be paid to the Port Warden for services performed by him and his deputies by the masters or owners of sea-going vessels and by others in respect of whom the duties of the said Port Warden are required to be performed, that is to say:—

First survey of hatches, and certificate	$ 2	50
Every subsequent survey of cargo, and certificate.	2	00
Survey of cargo where hatches have not been previously surveyed, and certificate	5	00
Every survey of damaged goods on the wharf, or in store, value under $200, and certificate	3	00
Every survey of damaged goods on the wharf or in store, value $200 and under $500, and certificate	4	00
Every survey of damaged goods on the wharf or in store, value $500 and over, and certificate	5	00
Survey of vessel damaged or arriving in distress, and certificate	8	00
Every subsequent survey, and certificate	5	00
Valuation of a vessel for average, under 200 tons, and certificate	5	00
Valuation of a vessel for average of 200 tons and under 500 tons, and certificate	7	50
Valuation of a vessel for average of 500 tons and upwards, and certificate	10	00
Survey of cargo reported to have shifted, and certificate	5	00
Each extra copy of certificate when required		50
Certificate under seal	1	00
Hearing and settling disputes between master and consignee of ship and owners of cargo, $200 value	2	00
do do $200 to $500.	3	00
do do $500 to $1,000	4	00
do do $1,000 and over	5	00
Filing papers of auctioneers, &c		25
Ascertaining if vessel is seaworthy, and certificate	8	00

Marine.

Survey, that repairs ordered if not seaworthy, have been made, and certificate, 200 tons and under.	3 00
do do over 200 tons........................	5 00
General superintendence of a vessel loading, and certificate..	5 00

By Order in Council of the 22nd day of April, 1876; Resolution passed at a meeting of the Pilotage Authority for the District of Richibucto, in the Province of New Brunswick, on the 25th March then last, to the effect that Rule 4 of the Rules and Regulations for the government of Pilots in said District, approved by Order in Council of 9th July then last, be amended by striking out the words "until the 1st day ot April, 1876," and substituting therefor the words "until the 1st day of April, 1877," was approved by His Excellency.

Vide Canada Gazette, Vol. 9, p. 1422.

By Order in Council of the 19th day of May, 1876, the provisions of the 7th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 129, and intituled: "An Act respecting the Shipping of Seamen," His Excellency ordered that a Shipping Office should be established at the Port of Chatham, in the Province of New Brunswick.

Vide Canada Gazette, Vol 9, p. 1512.

By Order in Council of the 19th day of May, 1876, it was ordered, that a Pilotage District be formed for Shediac, in the County of Westmoreland, in the Province of New Brunswick, the boundaries of which district shall extend from the point known as Cassies Cape southerly to Point Brulé, comprehending the waters lying westerly of a straight line between those points, and in accordance with the 8th section of the Act, and to make the payment of Pilotage dues compulsory within the limits of the said district.

Vide Canada Gazette, Vol. 9, p. 1512.

By Order in Council of the 12th day of May, 1876, the following changes agreed to at a meeting of the Commissioners held at Newcastle, on the 29th April ultimo, in the Rules and Regulations for the government of Pilots for the Port of Miramichi, N.B., as approved by the Governor General in Council on the 10th April, 1875, were approved by His Excellency, viz:

That Rule 1 be changed so as to read:

"That all pilots who held licenses for the year 1875, and have complied "with the present regulations shall receive a license for 1876, on payment "of a fee of four dollars."

That Rule 3 be so amended:

"That outward bound vessels shall pay two dollars per foot drawing seventeen feet of water and upwards instead of eighteen feet as by present regulations."

Vide Canada Gazette, Vol. 9, p. 1512.

Marine.

By Order in Council of the 1st day of June, 1876, His Excellency ordered that on and after the first day of July then next, a Shipping Office shall be established at the Port of Lunenburg, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 9, p. 1566.

By Order in Council of the 1st day of June, 1876, His Excellency ordered that the boundaries of the Pilotage District of Shediac, in the County of Westmoreland, in the Province of New Brunswick, established by Order in Council of the 19th May, 1876, should be altered so as to extend from the Point known as Shediac Point southerly to Cape Bald, comprehending the waters lying westerly of a straight line between those points.

Vide Canada Gazette, Vol. 9, p. 1566.

By Order in Council of the 1st June, 1876, His Excellency, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Hon. the Minister of Marine and Fisheries, was pleased to order and declare, that the provisions of the Act passed in the 33rd year of Her Majesty's Reign, intituled: "An Act respecting the Coasting Trade of Canada," shall not apply to the ships or vessels of the Austro-Hungarian Empire, but that such vessels shall be, and they are hereby admitted to the coasting trade of the Dominion of Canada on the same terms and conditions as are applicable to Canadian vessels.

Vide Canada Gazette, Vol. 9, p. 1567.

By a Proclamation, dated 6th June, 1876, His Excellency proclaimed and declared that the Act intituled: "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick" shall henceforth be in force at, and with respect to, the Port of Cape Canso, in the County of Guysboro, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 9, p. 1596.

By a Proclamation, dated the 6th day of June, 1876, His Excellency proclaimed, ordered and declared that the stream called "Crooked Creek," in the County of Albert, in the Province of New Brunswick, was exempted from the operation of the Act passed by the Parliament of Canada in the 36th year of Her Majesty's Reign, and intituled: "An Act for the better protection of Navigable Streams and Rivers."

Vide Canada Gazette, Vol. 9, p. 1624.



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By Order in Council of the 21st day of July, 1876, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, ordered, that a Pilotage District be formed for Restigouche, in the Province of New Brunswick, the limits of which district shall comprehend all the Ports and Outports within the County of Restigouche, and to make the payment of Pilotage Dues compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 109.

By Resolution of the Commissioners of Pilots, Halifax, bearing date 18th July, 1876, and approved by His Excellency in Council on the 28th July, 1876, " the Coasting Steamships 'Edgar Stuart,' 'M. A. Starr,' and "'George Shattuck,' all being under 250 tons register tonnage, were " relieved from compulsory pilotage dues, under the provisions of sub- " section 6, section 57 of 'An Act respecting pilotage.' "

Vide Canada Gazette, Vol. 10, p. 133.

BY-LAW OF THE QUEBEC HARBOUR COMMISSIONERS

Passed the second day of August, 1876, and approved by the Deputy of His Excellency in Council, 25th August, 1876 :—

1st. The by-law of the Corporation passed on the twenty-first day of May, and sanctioned by His Excellency the Governor General in Council, on the twenty-eighth day of June, one thousand eight hundred and sixty-two, respecting the discharging of ballast within certain prescribed limits in the Harbour of Quebec ; also the by-law of this Corporation passed on the twenty-ninth day of April, one thousand eight hundred and sixty-three, amending the said by-law of the said twenty-first day of May, one thousand eight hundred and sixty-two, and sanctioned on the seventh day of October, one thousand eight hundred and sixty-four, repealing the second paragraph of the said by-law hereinbefore first mentioned, are and each of the said three by-laws is hereby repealed.

2nd. All vessels entering and loading in the Harbour of Quebec shall discharge their ballast at any Wharf or Wharves within the limits of the said Harbour as shall be indicated in writing under the Seal of the Corporation of the said Quebec Harbour Commissioners and the signature of the Secretary thereof, to the Master or person in charge of the said vessel before the commencement of such discharge, provided that at the place so indicated there be sufficient depth of water and the proper mooring accommodation for such vessel to lie in safety, and provided also and it is hereby enacted that the whole or any portion of said ballast shall be discharged into any vessel or craft as shall be directed in the same manner under the seal and signature of the Secretary of the said Corporation, and sent to receive the same alongside of such vessel having ballast to discharge provided that such craft shall be sent within six hours from the time of its mooring.

3rd. Every Master or person in charge of any ship or vessel as aforesaid who shall refuse or neglect to obey this last mentioned by-law shall, for every such refusal or neglect to obey the same, incur a penalty not exceeding $20 (twenty dollars) or sixty days' imprisonment.

4th. If the Master or person in charge of any vessel be not notified in writing as aforesaid, before he shall commence the discharging thereof, to discharge the ballast of the vessel at any specially indicated wharf or wharves, vessel or craft, and shall throw any ballast into the River or Rivers within the Harbour of Quebec, except into that part of the River St. Lawrence which lies between the River Etchemin and a line formed by a Beacon on the hill in rear of Diamond Harbour and the centre of the Martello Tower above it and a line drawn from the west side of the mouth of the River Cap Rouge to the west side of the River Chaudiere and between St. Martin's Point and the West end of Beaumont Shoals or in any place within the Harbour of Quebec where there is not at the least fifteen fathoms of water at low water in neap tides on the north shore or ten fathoms on the south shore of the said River St. Lawrence, shall incur for every such offence a penalty not exceeding $20 (twenty dollars) or sixty days imprisonment.

BY-LAWS OF THE PILOTAGE AUTHORITY OF THE DISTRICE OF SYDNEY, C. B.

Approved by Order in Council. 16th August, 1876.

BY-LAW NO. 1.

No pilot shall be under twenty-one years of age; every pilot must serve two consecutive years under a licensed pilot before being licensed, and be competent to work any class of sailing vessel or steamship, and must know soundings, bearings, marks, courses, and distances of the port for which he is licensed; he must be a sober and responsible man of good character, and, in every case, must submit to examination before the pilotage authority previously to being licensed. Every new applicant for a license must give notice thereof to the Commissioners by having his name and residence entered in the General Secretary's book for two years previously to being licensed.

BY-LAW NO. 2.

Every pilot or company of pilots must be provided with a boat carrying a flag three feet long and two feet wide of two colours, the upper horizontal half white, and the lower horizontal half red, and every pilot taking a vessel to sea shall have a sufficient boat in attendance to bring him back to port when his services are ended.

BY-LAW NO 3.

Every pilot licensed for the first term shall pay a fee of $10, and for every renewal a fee of $2; and every mate or master shall pay a fee of $10,

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and the same for every renewal; and every licensed pilot, at the time of his receiving his license, shall give a bond to the Commissioners for his compliance with the harbour and pilot regulations, and for the faithful performance of his duty as a pilot during the ensuing year, himself in the sum of $80, and two securities. to the satisfaction of the Commissioners, in $40 each, such bond to be renewed every year during the pilot's continuance in office, and for which he shall pay $1, and $1 for every renewal thereof, – such sums to be paid into the pilotage fund.

BY-LAW NO. 4.

Every licensed pilot shall be at all times in readiness for the performance of pilot's duty, and shall not engage in any other employment between the 15th day of April and the 31st day of December in any year, under penalty of forfeiting his license.

BY-LAW NO. 5.

The rates of pilotage for 1876 shall be as follows:—

		To Sydney.	To N. Sydney.
For vessels under	100 tons...............	$ 6 00	$ 5 00
For vessels from	100 to 150 tons......	7 00	6 00
"	150 to 200 tons......	8 00	7 00
"	200 to 250 tons.....	10 00	8 00
"	250 to 300 tons......	11 00	9 00
"	300 to 350 tons......	12 00	10 00
"	350 to 400 tons.....	13 00	11 00

and for every additional 50 tons or fractional part thereof $1. Outward pilotage shall be the same as inward. Vessels upon being hailed by a licensed pilot outside of the limits of the port for which he is licensed and refusing to, or not taking such pilot, shall pay half pilotage inward, and upon being offered the services of a licensed pilot within twenty-four hours before being ready for sea, and refusing the services of such pilot, shall be liable for half pilotage rates outward. Should the services of a pilot so offering be accepted by the master and afterwards declined, then the vessel shall be liable for full pilotage rates, and any pilot placed in charge of a vessel by the master shall be entitled to receive in addition to full pilotage rates the sum of $2 per diem for each day the vessel may be detained while he is waiting on her, through stress of weather or otherwise. Vessels shall only be liable to pilotage at the port of arrival in this pilotage district, should it be necessary for them to change ports in the same, unless a pilot for the second port or ports be employed, in which case full tariff rates will be exacted. Pilots delivering orders outside of port limits to vessels to proceed elsewhere shall be entitled to receive full pilotage inwards and outwards from such vessels, and if in any case another regular pilot belonging to the same port, be found in charge, he shall be entitled to the inward, and the pilot delivering the orders to the outward pilotage. The rates of pilotage for Lingan, Little Glace Bay and Port Caledonia, shall be the same as for North Sydney.

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BY-LAW NO. 6.

The number of pilots for Sydney harbour shall not exceed 27. The number for Lingan, Little Glacé Bay and Port Caledonia shall not exceed 10 each.

BY-LAW NO. 7.

Any pilot licensed for Sydney harbour, having charge of a vessel bound for an outport of this district, upon being spoken by a pilot properly belonging to the port for which the vessel is bound, shall immediately surrender charge to the pilot of that port, to whom all regular fees for pilotage shall be payable, and *vice versa*; and no pilot belonging to any one port shall interfere with the rights and privileges of pilots belonging to any other port. No pilot shall be allowed to board or hail any vessel except from a boat licensed by or belonging to the port for which he is himself licensed.

BY-LAW NO 8

Any pilot incapacitated by mental or bodily infirmity, or by habits of drunkenness, shall forfeit his license, and not be at liberty to serve in the capacity of a licensed pilot; and any pilot guilty of drunkenness and incapacity while on duty shall be suspended for three months.

BY-LAW NO. 9

Any pilot guilty of misrepresentation whereby masters of vessels are induced to enter any port, contrary to their previous intentions, shall, if so decided by the Pilotage Authorities, forfeit his license.

BY-LAW NO. 10.

In case of any dispute arising between masters of ships, pilots, and others respecting pilotage, the matter shall be referred to one or more of the Pilotage Authorities, nearest to the place of dispute, and his or their decision shall be final; and all suits for the recovery of pilotage dues shall be brought in the name of the authority of the Pilotage District of Sydney.

BY-LAW NO. 11.

The pilot for Sydney Harbour shall have "S"; the pilots for Lingan Harbour shall have "L"; and the pilots for Little Glace Bay and Port Caledonia shall have "G" on their Flags as heretofore, in addition to their numbers.

BY-LAW NO. 12.

All pilot boats shall be inspected and approved by one or more of the Pilotage Commissioners, and shall be licensed for a term not exceeding one year,---row boats on the payment of a fee of one dollar, and decked boats on the payment of a fee of five dollars each; and any pilot boarding or hailing a vessel from any boat not so licensed shall forfeit his pilotage.

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BY-LAW NO. 13.

For the purpose of carrying out the provisions of the Dominion Pilotage Act, and securing proper records and returns, clerks shall be appointed at the different ports within the Pilotage District, whose duty it shall be to keep a record of all vessels arriving at those ports, their nationality and tonnage, the amount received from each vessel, and the name of each pilot employed, and to receive and collect all pilotage fees. Five per cent. of the gross earnings of the pilots in this district shall be reserved as a Pilotage fund.

BY-LAW NO. 14.

All pilotage dues shall be paid to the Treasurer of the Board, who shall keep a book for the entry of all sums paid out to pilots or on any other account.

BY-LAW NO. 15.

Every licensed pilot who shall pilot a vessel inward, or shall hail such vessel, shall, within one day after her arrival, report the same to the clerk of his port, and the amount of pilotage due therefor; and every licensed pilot shall likewise report to the clerk all vessels piloted outwards by him, or to which he shall offer his services, and shall pay over to the clerk the fees that may be collected by him ; and each clerk shall be accountable to the Treasurer of the Board for all fees collected or received by him.

BY-LAW NO. 16.

Every licensed pilot on boarding any vessel shall enquire if any person affected with any infectious or contagious disease is on board, or if such vessel be from any port or place making her liable to quarantine laws, or be an immigrant vessel: in either of such cases he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place for riding quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the Health Officer, nor without the permission of such officer, under a penalty not exceeding forty dollars for every offence.

BY-LAW NO. 17.

Any pilot piloting a vessel inwards from the sea, shall be entitled to pilot her to sea when she next leaves port, unless on complaint of the master, owner, or agent of the said vessel, the Pilotage Authorities shall direct otherwise.

BY-LAW NO. 18.

Any licensed pilot not complying with the foregoing by-laws or evading or attempting to evade the sense, intent, or meaning of any or either of them shall be liable to a penalty not exceeding forty dollars, and in case of a continuing breach of the same shall be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

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By a Proclamation bearing date the 18th day of September, 1876, His Honour the Deputy of the Governor General proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, should henceforth apply to the Port of Grand Manan Harbour, in the County of Charlotte, in the Province of New Brunswick.

Vide Canada Gazette, Vol. 10, p. 428.

By a Proclamation bearing date the 25th day of October, 1876, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, should thenceforth apply to the Port of Indian Bay, in the County of Shelburne, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 10, p. 614.

By a Proclamation bearing date the 4th day of December, 1876, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island and the Acts amending the same, should thenceforth apply to the Port of Burrard Inlet, in the Province of British Columbia.

Vide Canada Gazette, Vol. 10, p. 740.

By a Proclamation bearing date the 29th day of December, 1876, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, should thenceforth apply to the Port of North West Cove on the west side of St. Margaret's Bay, and the Ports of Coleman's Cove and Aspotogan Harbour, all in the County of Lunenburg, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 10, p. 918.

By Order in Council of the 6th day of January, 1877, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, constituted and established two Districts in the County of Guysboro, in the Province of Nova Scotia, for the purposes of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck and Salvage." One District to be known as the District of Guysboro, and to include the coast line from Auld's Cove, at Antigonish County line, to the east side of Becherton Harbour, in the County of Guysboro; and the other District to be known as St. Mary's District, and to include the coast line from the east side of Becherton Harbour to Ecumsecum, at Halifax County line.

Vide Canada Gazette, Vol. 10, p. 890.

Marine.

By a Proclamation bearing date the 19th day of January, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, should henceforth apply to the Port of Liverpool, in Queen's County, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 10, p. 950.

GOVERNMENT HOUSE, OTTAWA,
Thursday, 25th day of January, 1877.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by the first Section of the Act passed in the 33rd year of Her Majesty's Reign, and intituled, "An Act respecting the Coasting "Trade of Canada," it is, amongst other things, enacted that no goods or passengers shall be carried by water from one Port of Canada to another except in British ships;

And, whereas, by the 2nd Section of the said Act it is further enacted, that the Governor in Council may, from time to time, declare that the foregoing provisions of that Act shall not, while such Order in Council is in force, apply to the ships or vessels of any Foreign Country in which British ships are admitted to the coasting trade of that country and permitted to carry goods and passengers from one port or place in such country to another;

And, whereas, it has been ascertained that British ships are allowed to participate in the coasting trade of Denmark on the same footing as the vessels of that country,—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Honorable the Minister of Marine and Fisheries, has been pleased to order and declare, and it is hereby ordered and declared, that the provisions of the said above recited Act shall not apply to the ships or vessels of Denmark, but that such vessels shall be and they are hereby admitted to the coasting trade of the Dominion of Canada, on the same terms and conditions as are applicable to Canadian vessels.

W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

By Order in Council of the 2nd day of February, 1877, a Pilotage District was formed for Pugwash, in the County of Cumberland. in the Province of Nova Scotia, the said District to be bounded on the East by Cape Cliff, and on the West or North-West by Lewis Head, both in the County of Cumberland aforesaid; and the payment of Pilotage Dues was made compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 1030.

Marine.

BY-LAW

Respecting Pilotage in the Districts of British Columbia. *

Established by the Commissioners of Pilots for the said District, under the Dominion Act, 36 Vict., Chap. 54, intituled: "An Act respecting Pilotage, 1873," approved by His Excellency in Council, 19th February, 1877.

Licenses.

1. Every person now holding a license as a pilot under the "British Columbia Pilotage Ordinance, 1867," shall forthwith surrender the same to the Pilotage Authority of British Columbia, and shall, if entitled thereto, receive a license as a pilot for the District of British Columbia, on the payment of a fee of Fifty dollars.

2. Every person not already licensed, applying to be licensed as a pilot for the District of British Columbia must make a written application to the Pilotage Authority; he must be a British subject, and a resident of British Columbia, not less than 21 years of age, and must produce certificates from the masters of the vessels in which he has served as to his capability as a seaman; and, before being appointed, he shall be examined before Examiners appointed for that purpose by the Pilotage Authorities, touching his qualifications and practical knowledge of the management of square-rigged vessels and steamboats, and of the navigation of the said Pilotage District; and if, after such examination, he shall be deemed qualified, and shall be found to be of good moral character and temperate habits, he shall receive a license to act as a pilot on payment of $20, for the expense of such examination, and a license fee of Fifty dollars.

3. Pilotage certificates may be issued by the Pilotage Authority of British Columbia to Masters and Mates of vessels plying regularly within the waters of British Columbia, or of steamers plying regularly once a week or oftener between Victoria and any of the various ports on Puget Sound, on application in writing to the Pilotage Authority. Such applicants must be of not less than 21 years of age, and on payment of $20 for the expense of their examination, and a yearly fee of One hundred dollars, a certificate to act as pilot for the term of 12 months will be granted, such certificate to specify the name of the vessel, and the ports to and from which such vessel shall ply, and such certificate may be renewed from year to year on payment of $100, as the Pilotage Authority may think fit.

Boats.

4. All boats to be licensed as pilot boats shall be surveyed by or on behalf of the Pilotage Authority, and if satisfactory, shall be licensed for a term of 12 months, on payment of a fee of $20 each; and such boats shall be surveyed annually, and if found satisfactory shall have their licenses renewed for a term of twelve months, on payment of a fee of Twenty dollars.

* But see *Canada Gazette*, Vol. 11, p. 29.



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5. Every licensed pilot boat shall have on board one suitable boat, and also one life preserver for each pilot and apprentice belonging or attached to said licensed pilot boat.

6. All licensed pilot boats shall have marks and numbers on their sails, such marks and numbers to be designated by the Pilotage Authority at time of survey.

7. Any licensed pilot boat that may be found unfit for the service for which she is licensed, shall have her license suspended until she is made and fitted out to the satisfaction of the Pilotage Authority, and the license so suspended shall, during such suspension, be lodged with the Pilotage Authority.

8. Every licensed pilot shall be the registered owner of not less than three tons of a licensed pilot boat, under pain of the forfeiture of his license.

9. It shall be the duty of the pilots of each of the Victoria and Esquimalt pilot boats, once in three months, to elect from their own number a captain, who shall have the management of the boat, under the general superintendence of the Pilotage Authority, and the name of such captain shall be communicated to the Pilotage Authority in writing; said captain to have control of the boat for three months, or until his successor is elected. It shall be the duty of the captain to keep a log, and to report to the Pilotage Authority at the end of his term an account of the movements and employment of his boat, specifying the services in which she has been engaged, the number of vessels piloted in and out, and their draught of water; by whom piloted, and the number of days she has laid in port; and for each and every neglect to comply with this rule, the said captain may be fined an amount not exceeding the sum of $40. No pilot boat shall be otherwise employed than in its legitimate business.

Apprentices.

10. Each licensed pilot boat may have on board one or more apprentices who shall serve an apprenticeship of four years, and be of good character, and have the rudiments of an ordinary English education, and be approved of by the Pilotage Authority. At the end of such apprenticeship said apprentices shall be eligible to be licensed as pilots, provided they have served at least six months as seamen on board a square-rigged sailing vessel.

Ports.

11. The ports of the Pilotage District of British Columbia shall be as follows:—

(1.) Port of Victoria and Esquimalt shall be inside a line drawn from Trial Island to Race Rocks light, bearing N.E. by N. and S.W. by S. (magnetic.)

(2.) Port of Fraser River shall be inside lightship.

(3.) Port of Burrard Inlet shall be inside a line S.E. and N.W. (magnetic) from Passage Island to Point Gray.



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(4.) Nanaimo and Departure Bay shall be inside a line drawn from Entrance Island W. (magnetic) to a point on Vancouver Island, one mile W. of the West Rocks, and a line drawn from Sharpe Point N.E. by E. ½ E. (magnetic) to Gabriola Island.

(5.) Port of Baynes Sound, Eastern entrance shall be inside a line drawn from Qualicum River to the N.E. point of Hornby Island, bearing N. by W. ½ W. and S. by E. ½ E. (magnetic). Western entrance shall be inside a line drawn from Cape Lazo to the N.E. point of Hornby Island, bearing W.N.W. and E.S.E. (magnetic.)

Other Ports to be defined by the Pilotage Authority as occasion may arise.

Dues.

12. (A.) For vessels entering the Pilot District of British Columbia through Fuca Straits and coming to anchor in Royal Roads, the pilotage shall be..Free.

But when the services of a pilot are required and employed, the rate of Pilotage shall be................................$3 per foot.

(B.) For vessels entering into or clearing from the undermentioned ports, the rates of pilotage shall be as follows :—

Esquimalt Harbour..	$3 per foot.
Victoria	$3 per foot under 10 feet draught; $4 per foot for 10 feet and over.
Nanaimo and Departure Bay.	$3 per foot under 10 feet draught; $4 per foot for 10 feet and over.
Burrard Inlet.....................	$3 per foot under 10 feet draught; $4 per foot for 10 feet and over.
Baynes Sound	$3 per foot under 10 feet draught; $4 per foot for 10 feet and over.

New Westminster, rates to be subject to agreement, but not to exceed..$6 per foot.

All vessels under steam, or in tow of a steamer, to be one-fourth less than above rates.

(C.) For sailing vessels proceeding from Royal Roads to Nanaimo, or Burrard Inlet, or the Sand Heads of Fraser River or Baynes Sound, or *vice versâ*......................................$3 per foot.

But for steamers or sailing vessels in tow of a steamer, the pilot shall receive $10 per day of twenty-four hours, or any fraction of the same.

(D.) For vessels proceeding from Esquimalt to Victoria, or *vice versâ*, and having discharged or received a portion of their cargo in either harbour, and having paid pilotage into either harbour, if proceeding under or with the assistance of steam..$1.50 per foot.

And for proceeding from Nanaimo to Departure Bay, or *vice versâ*, and having discharged or received a portion of their cargo in either harbour, whether with or without the assistance of steam, and having paid pilotage into either harbour....$1.50 per foot.

Marine.

(E.) But no sailing vessel or steamer, or sailing vessel in tow of a steamer, shall pay more than $12 per foot pilotage, on any one voyage, that is to say $6 per foot on her inward draught, and $6 per foot on her outward draught.

13. Any fraction of a foot not exceeding six inches shall be paid for as half a foot, and any fraction of a foot exceeding six inches shall be paid for as a foot.

REGULATIONS.

14. The pilot next in turn on board a pilot vessel must board the nearest vessel signalling or asking for a pilot, or exchange turns with one who will do so.

15. Every licensed pilot who shall pilot any vessel inwards shall, within one day after his arrival, report to the Pilotage Authority the arrival of such vessel, and the amount of pilotage due thereon; and every licensed pilot shall likewise report all vessels piloted outwards by him.

16. Captains of vessels must make application to the Pilotage Authority for outward pilots, or for pilots to remove vessels from one port of British Columbia to another and the Pilotage Authority shall direct the pilot first in turn on a list to be kept at the office to take charge of such vessel, and such pilot shall take charge accordingly.

17. All pilotage dues shall be paid to the order of the Pilotage Authority by the masters of all vessels, or, in their default, by the agents or consignees thereof. A book shall be kept for the entry of all sums paid out to the pilots, or on any other account.

18. Each licensed pilot shall be entitled to receive from the Secretary the amount of his earnings, less a deduction of ten per cent. to be applied as provided for hereinafter; and every licensed pilot shall be entitled to receive one-half of the pilotage dues received by the Commissioners under sections 57, 58 and 60 of the said Act, in cases where such pilot's services are not accepted when offered

19. All funds received on behalf of the Pilotage Authority for all licenses issued by the Pilotage Authority, fines and penalties, and ten per cent. on the pilotage fees of the District, and receipts under the foregoing section shall be applied in payment of such necessary expenses as the Pilotage Authority may duly incur, and for the purpose of making up the earnings of the captain of the pilot boat to a sum equal to the average earnings of the other pilots, and the balance, if any, to form a special fund to be called the "British Columbia Pilot Fund," which is to be devoted to the relief of superannuated or infirm licensed pilots, or of their wives, widows, or children, or to the assistance (by way of loan) to companies for the support of pilot boats.

20. The Pilotage Authority shall adjust all accounts and pay to each pilot the amount due to him at the expiration of every three months.

21. In cases where a vessel shall be in tow of a steam vessel, the pilot on board the vessel towed shall have the command and direction of both vessels so long as the steamer shall be fast to the other vessel.

22. Every licensed pilot shall, when in charge of any vessel, exercise the utmost diligence and attention in the prosecution of his duty.

Marine.

23. No licensed pilot shall be absent from duty, nor be otherwise employed than as a pilot, without leave, previously obtained in writing from the Pilotage Authority.

24. Whenever any accident shall occur to or be caused by any vessel whilst in charge of a pilot, it shall be the duty of such pilot forthwith, after he shall have ceased to be in actual charge of such vessel, to repair to the office of the Pilotage Authority and there report in writing the accident that has occurred, and in default of his so doing, such pilot shall for each and every such default forfeit and pay a penalty not exceeding forty dollars, and in the meantime the license of such pilot shall be suspended and delivered to the Pilotage Authority pending enquiry.

25. Any licensed pilot not complying with these By-laws, or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such By-law, with, in case of a continuing breach, a further penalty not exceeding four dollars for every 24 hours during which such breach continue, and shall, in addition to such penalty, be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

26. Every licensed pilot who shall refuse or neglect to appear before the Pilotage Authority, after 24 hours' notice, when his attendance shall be required by them on any occasion, or who shall give any unnecessary trouble or annoyance, or detention to masters or vessels, shall, for every such offence, be liable to a penalty not exceeding forty dollars, and also to suspension or dismissal at the discretion of the Pilotage Authority.

27. All questions or disputes arising between pilots, masters of vessels and others respecting pilotage, or for any extra remuneration in cases of any extraordinary nature, shall be submitted to the Pilotage Authority to be adjusted and decided by them, and the decision of the Pilotage Authority respecting all such questions and disputes shall be final and binding on all parties.

28. Any pilot may be deprived of his license before the expiration thereof for the following causes :—

(1.) For neglecting for 20 days after receipt of any money, under or by virtue of these or any other By-laws, to pay the same over to the Pilotage Authority;

(2) For rendering a false account to the Pilotage Authority of pilotage received;

(3.) For intoxication, whether the same shall occur while in charge of a vessel or at any other time ;

(4.) For incapacity through mental or bodily infirmity.

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RULES AND REGULATIONS

For the Government of Pilots for the Pilotage District of Restigouche, in the Province of New Brunswick,

Made by the Pilotage Authority of the District of Restigouche, under the Act 30 Vict., chap. 54, and approved by His Excellency in Council, 1st March, 1877. *

1. Every person now acting or holding a branch as a pilot for any port or ports in the Pilotage District of Restigouche, shall forthwith surrender the same to the Pilotage Authority of the said District, under the said Act, and shall, if legally entitled thereto, receive a license for the District of Restigouche, on payment of a license fee of five dollars.

2. Every person applying to be licensed as a pilot for the Pilotage District aforesaid, must make application in writing to the Secretary, at the office of the Pilotage Authority, on the printed form, and be a resident of the County of Restigouche, of not less than twenty-one years of age, and shall have continuously served as an indentured apprentice (approved by the Pilotage Authority), in a licensed pilot boat, for a term of not less than three years; shall also produce a certificate of good character while serving his apprenticeship, from the Pilot to whom he was indentured, and shall be examined by Examiners appointed for that purpose by the Pilotage Authority of the said District, and at that examination shall answer such questions and show such qualifications as will warrant them in giving him a certificate of his competency to perform all the duties of a pilot in the said District: and a license shall forthwith issue to such person on payment of the expenses of such examination and a fee of five dollars.

3. The rates of pilotage for the several Ports within the Pilotage District of Restigouche, shall be as follows, for every foot of water such ship shall draw at the time, inward or outward bound:—

Jacquet River or Benjamin, seventy cents.

Port of Dalhousie, one dollar.

Port of Campbellton, one dollar fifty cents.

For the removal of any ship or vessel, and seeing such ship or vessel properly secured and moored, the following rates, viz.:—The sum of one dollar and fifty cents for vessels not exceeding 100 tons; the sum of two dollars for vessels over 100 tons and not exceeding 200 tons; the sum of three dollars for vessels over 200 tons and not exceeding 300 tons; and the the sum of four dollars for all vessels over 300 tons; and where the distance of removal exceeds four miles, fifty per cent. additional shall be allowed on the above rates.

4. If any such pilot shall offer his services to any ship or vessel appearing off or within the Pilotage District, or intending to come or which shall come into any port within the said District, and be refused, (no other licensed pilot being on board, or having previously offered his services to such ship or vessel,) such pilot so refused shall be entitled to demand and receive the rate of pilotage, as if he had been actually employed to pilot such ship or vessel.

* But see *Canada Gazette*, Vol. 10, p. 1,700.

5. If any such pilot shall offer his services to any ship or vessel outward bound, after such vessel shall be cleared at the Custom House and before being under way, (no other pilot being on board or engaged to take out such ship or vessel) such pilot so offering shall be entitled to demand and receive the pilotage above mentioned, in like manner as if actually employed; provided always, that in no case shall the Pilot who brought the said ship or vessel into the said Port have a claim to pilot her outwards, by reason of his having brought her into the said port, or from having arranged with the master of the said ship or vessel, to pilot her outwards, unless such arrangement take place after the arrival of the said vessel into the said Port, and after the said vessel is secured and moored by such pilot to the satisfaction of the master of said vessel.

6. Every licensed pilot shall be the registered owner of not less than half of a licensed pilot boat in actual service of not less than five tons register, under pain of suspension of his license.

7. On proof on oath, to the satisfaction of the Pilotage Authority, that any pilot licensed by them has been guilty of any improper conduct, drunkenness, or wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, said pilot shall be suspended or deprived of his license at the discretion of the Pilotage Authority.

8. Every pilot shall report to the Secretary of the Pilotage Authority on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., of every vessel piloted by him or them from sea, when boarded, and what extra services, if any, were rendered,—to which report he shall, if possible, obtain the master's signature. He shall also report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation, and shall also report when any of the buoys are not in their places, or any of the lighthouses are not lighted at the proper time and kept lighted, which report shall be made as above immediately after his arrival or as soon as office hours will permit

9. Every person wishing to become an indentured apprentice to a licensed pilot, must make application on the proper form to the Secretary, and have the rudiments of an ordinary English education, and be of good moral character, and be approved by the Pilotage Authority, and on such approval be indentured to a licensed pilot to serve for a term of not less than three years as a pilot apprentice on board of a Restigouche District licensed pilot boat, under the direction and control of his master by indenture, the conditions to be contained in the indentures to be subject to the approval of the Pilotage Authority.

10. All boats to be licensed as pilot boats shall be of not less than five tons register, and shall be surveyed, and if satisfactory and recommended, shall be licensed for a term not exceeding one year on payment of a license fee of five dollars. All licensed pilot boats at the end of or immediately before the expiring of the above named year, shall again be surveyed, and if found satisfactory to the Pilotage Authority, shall have their licenses renewed for a time not exceeding one year, which survey and examination

shall be continued from year to year on the payment for the first license fee of five dollars, and for every renewal five dollars.

11. All licensed pilot boats shall have conspicuous numbers on the sails, such numbers to be designated by the Pilotage Authority.

12. Any licensed pilot boat that may, at any time, on examination by the Pilotage Authority, be found in any way unfit for the service for which she is licensed, shall have her license suspended until she is made and fitted out to the satisfaction of the Pilotage Authority, and the license so suspended shall, during such suspension, be lodged with the Secretary of the Pilotage Authority.

13. Any pilot taking charge of any inward bound vessel shall exhibit his license, and also a copy of these Regulations to the master of such vessel for his perusal.

14. Any licensed pilot not complying with these Rules and Regulations, or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding twenty dollars for the breach of such Rules or Regulations, with, in case of the continuing breach, a further penalty not exceeding two dollars for every twenty-four hours during which such breach continues, and shall be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

By a Proclamation bearing date the 3rd day of March, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, should thenceforth apply to the Port of Collingwood, in the Province of Ontario.

Vide Canada Gazette, vol. 10, p. 1137.

By a Proclamation bearing date the 5th day of March, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, should thenceforth apply to the Port of Rimouski, in the Province of Quebec.

Vide Canada Gazette, vol. 10, p. 1138.

Marine.

By-Law

Of the Harbour Commissioners of Montreal, passed at a meeting held on the 15th day of February, 1877, and approved by His Excellency in Council, 5th March, 1877.

WHEREAS it has been deemed advisable to revise and correct the tariff of pilotage between the Harbours of Quebec and Montreal, now in force :

Therefore it is resolved :—

1st. That the by-law regulating the tariff of pilotage made and passed on the 26th day of January, 1875, and approved and confirmed by His Excellency the Governor General in Council, on the 10th day of April of the year 1875, is hereby repealed.

2nd. That from and after the passing of this by-law, the following shall be the tariff of rates to be paid for the pilotage of vessels between Quebec and Montreal, and between the several places herein mentioned, that is to say :—

From the harbour of Quebec to Portneuf and the opposite side of the River St. Lawrence or below Portneuf and above the harbour of Quebec,—

For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned) for each foot cf draught of water—Upwards 50 cts.; downwards, 50 cts ;

Eor the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—Upwards, 62½ cts.; downwards, 62½ cts. ;

For the pilotage of any vessel under sail, for each foot of draught of water—Upwards, $1.05 ; downwards, 70 cents :

From the harbour of Quebec to Three Rivers and the opposite side of the River St. Lawrence, or any place above Portneuf and below Three Rivers,—

For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned) for each foot of draught of water—Upwards, $1.50 ; downwards, $1.50 ;

For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—Upwards, $1.75 ; downwards, $1.75 ;

For the pilotage of any vessel under sail, for each foot of draught of water—Upwards, $2.60 ; downwards, $1.90 :

From the harbour of Quebec to Sorel, and the opposite side of the River St. Lawrence, or any place above Three Rivers and below Sorel,—

For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned) for each foot of draught of water—Upwards, $1.50 ; downwards, $1.50 ;

For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—Upwards, $1.87½ ; downwards, $1.87½ ;

For the pilotage of any vessl under sail, for each foot of draught of water—Upwards, $3.15 ; downwards, $2.10 :

From the harbour of Quebec to the harbour of Montreal, or to any place above Sorel and below the harbour of Montreal,—

Marine.

For the pilotage of any vessel in tow or propelled by steam (except as hereinafter mentioned) for each foot of draught of water—Upwards, $2.00; downwards, $2.00;

For the pilotage of any sea-going vessel propelled by steam, for each foot of draught of water—Upwards, $2.50; downwards, $2.50;

For the pilotage of any vessel under sail, for each foot of draught of water—Upwards, $4 20; downwards, $2.80:

From the harbour of Montreal to Sorel, or to any place above Sorel and below Hochelaga, and from Sorel, or any place above Sorel and below Hochelaga, to the harbour of Montreal, for each foot of draught of water, for each such pilotage—Upwards, $1.00; downwards, $1.00:

For the removal of any vessel from one wharf to another within the limits of the harbour, or from any of the wharves into the Lachine Canal, or out of the said canal, to any of the wharves in the harbour, or from the foot of the current, or from Longueuil into the harbour, or from the harbour to the foot of the current, or to Longueuil, for each such service, $5.

By a Proclamation bearing date the 12th day of April, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, should thenceforth apply to the Port of Tryon, in Prince County, in the said Province of Prince Edward Island.

Vide Canada Gazette, Vol. 10, p. 1329.

By a Proclamation bearing date the 17th day of April, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island" and the Acts amending the same, should thenceforth apply to the Port of Quadra, Baynes' Sound, in the Province of British Columbia.

Vide Canada Gazette, Vol. 10, p. 1379.

By Order in Council of the 23rd day of April, 1877, His Excellency in Council, under the provisions of the 4th Section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55 and intituled "An Act respecting Wreck and Salvage" constituted and established in the County of Cape Breton, in the Province of Nova Scotia, a District for all the purposes of the said Act, to extend from Point Cape Breton to the Northern Head of Gabarous Bay.

Vide Canada Gazette, Vol. 10, p. 1392.

Marine.

By Order in Council of the 28th of April, 1877, His Excellency established a Pilotage District for the Port of Cocagne, in the County of Kent, in the Province of New Brunswick, the limits of which District shall extend north to Dixon's Point, Buctouche, and south to Casey's Point, Shediac, and to comprehend the waters between New Brunswick and Prince Edward Island, or adjacent thereto; and to make the payment of Pilotage dues compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 1436.

By an Order in Council of the 28th day of April, 1877, His Excellency established a Pilotage District for the Port of Buctouche, in the County of Kent, in the Province of New Brunswick, the limits of which District shall extend north to Richibucto Head and south to Cocagne Head, and to comprehend the waters between New Brunswick and Prince Edward Island, or adjacent thereto; and made the payment of Pilotage Dues compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 1437.

By a Proclamation, bearing date 1st May, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the "appointment of Harbour Masters for certain Ports in the Provinces of Nova "Scotia and New Brunswick," and the Acts amending the same, should thenceforth apply to the Ports of Clements Port and Port George, both in the County of Annapolis, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 10, p. 1430.

By Order in Council of the 1st day of May, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the rate of ten cents per ton of the registered measurement thereof, imposed and authorized to be levied by Order in Council of 3rd April, 1875, on each and every vessel entering the Harbour of Cow Bay, Cape Breton, Nova Scotia, should be reduced to six cents per ton of the registered measurement, and that this duty be collected on each and every vessel entering the said Harbour, as provided by the 3rd Section of the Act 37 Victoria, chapter 18.

Vide Canada Gazette, Vol. 10, p. 1434.

By a Proclamation bearing date the 1st day of May, 1877, His Excellency imposed, on each vessel entering the port of Southern Bay, Ingonish, Nova Scotia, a duty of six cents per ton of the registered measurement of such vessel.

Vide Canada Gazette, Vol. 10, p. 1430.



Marine.

By Order in Council of the 1st day of May, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the Order in Council of the 13th day of September, 1875, approving and adopting Rules and Regulations respecting life boats, yawl boats and fire extinguishers on steamers, should be amended as follows :—

That Rule 4 in said order be and the same is hereby cancelled, and the following substituted in lieu thereof, that is to say :—

"4th. It is hereby required that the following number of Chemical Fire "Extinguishers, or of the Pneumatic Fire Extinguisher invented by A. A. "Murphy, of Montreal, patented 6th April, 1876, shall be carried on board "Steamboats of the undermentioned sizes and classes, viz :—

"On every Freight and Tug Steamboat of more than one hundred tons "gross measurement, one such Extinguisher ;

"On every Freight and Tug Steamboat of more than five hundred "tons, two such Extinguishers ;

"On every Steamboat of the gross tonnage of one hundred tons and "upwards, but less than three hundred tons, carrying passengers, two such "Extinguishers ;

"On every Steamboat of the gross tonnage of three hundred tons and "upwards, carrying passengers, three such Extinguishers ;

"On every Steamboat employed chiefly in the carriage of freight, when "not carrying more than fifty passengers, two such Extinguishers."

Vide Canada Gazette, Vol. 10, p. 1437.

By an Order in Council of the 7th day of May, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, constituted and established two Districts in Kings County, in the Province of Prince Edward Island, for the purposes of the Act passed in the Session held in 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act "respecting Wreck and Salvage,"—one District to be for the North Coast of King's County, and to extend from East Point to the line of division between King's and Queen's Counties ; and the other District to be for the South Shore of said County, and to extend from East Point to the line of division between King's and Queen's Counties.

Vide Canada Gazette, Vol. 10, p. 1471.

By a Proclamation bearing date the 7th day of May, 1877, His Excellency reduced and decreased the tonnage duty on each vessel entering the Ports of Bathurst and Richibucto in New Brunswick, and Amherst Harbour, House Harbour and Cape Chatte, in the Province of Quebec, from ten cents per ton to four cents per ton of the registered measurement of each and every vessel entering the said Ports respectively.

Vide Canada Gazette, Vol. 10, p. 1467.

PUBLIC WORKS.

By Proclamation bearing date the 19th day of May, 1876, His Excellency, in Her Majesty's name, proclaimed and declared that upon and after the Twentieth day of May then instant, the Public Bridge extending over the Timber Slides and Buchanan Channels of the Ottawa River, the same being within the City of Ottawa, in the Province of Ontario, and its approaches, then under the management and control of the Minister of Public Works, should be no longer under his control.

Vide Canada Gazette, Vol. 9, p. 1536.

GOVERNMENT HOUSE, OTTAWA,

FRIDAY, 26th day of May, 1876.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the 8th section of "The British North America Act, 1867," and the 8th item of the third Schedule attached thereto :—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following properties situate in the localities hereinafter mentioned, in the Province of British Columbia, be and they are hereby transferred to and appropriated for the use of the Legislature and Government of the said Province of British Columbia, that is to say :—

1st. The Lots and Buildings marked B, C and E, on plan No. 1, signed by the Hon. Henry Holbrook, Chief Commissioner of Lands and Works, and being :—

Lot B, the Government Buildings,
Lot C, a School House and Reserve, and
Lot E, the Police Barracks, all in Victoria.

2nd. The Lot and Building represented on plan No. 6, signed as above, and being the Lieutenant Governor's residence at Victoria.

3rd. The public building and land represented on plan No. 8, signed as above, and being a School House and reserve in Victoria District.

4th. The lots and buildings indicated on plan No. 10 by the letters C, E and F, and signed as above, being :—Lot C, the Court House and Jail, Lot E, a Public School House, and Lot F, a Public Hospital, all at New Westminster.

5th. The public buildings and lands indicated on plan No. 16, signed as above, being the Court House and Jail at Nanaimo.

6th. The public buildings and lands indicated on plan No. 17 by letter A, and signed as above, being the Court House and Jail at Hope.

7th. The public buildings and lands indicated on plan No. 19 by letter A, signed as above being the Jail at Yale.

Public Works.

8th. The public buildings and lands indicated by letters A and B on plan No. 22, signed as above, being the Court House and Jail at Lytton.

9th. The public buildings and lands indicated by letters A and B on plan No. 25, signed as above, being Lot A, a Court House, and Lot B, a Jail, at Lillooet.

10th. The public buildings and lands represented on plan No. 28, signed as above, being the Jail at Quesnel.

11th. The public buildings and lands represented on plan No. 30, signed as above, and marked respectively "Court House," "Jail," and "Police Barracks," at Richfield.

12th. The public buildings and lands indicated on plan No. 31, signed as above, and marked "Assay Office" and "Approximate site of Jail," at Barkerville.

13th. The public building indicated on plan No. 32, signed as above, and marked "Lock up," at Van Winkle.

14th. The public buildings and lands indicated on plan No. 33, and marked "Court House," "Jail," "Police Barracks," "Church and Parsonage," at Langley—all of which plans are authenticated by the signature of the Minister of Public Works, and remain of record in his Department.

And it is further ordered that the said enumerated properties be and they are hereby transferred to the said Province of British Columbia in their present state, and subject to any condition in the original grant or reservation, and to any trust, rent, claim, servitude or other incumbrance whatsoever.

W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

By Order in Council of the 29th day of May, 1876, His Excellency the Governor General in Council ordered that the following rates of toll for the use of the public work known as the public pier or breakwater at Oak Point, in the Province of Nova Scotia, vested in Her Majesty, and under the control of the Minister of Public Works, be authorized to be levied and collected, that is to say :—

Articles.	*Rates.*
Flour, meal, apples, lime, calcinated plaster, hydraulic cement, salt fish, etc., in barrels	1c. per barrel
Potatoes, carrots and articles of a like nature, in brls.	½c "
All articles contained in casks, puncheons or hogsheads	2 c. per cask
Coal, iron, building stone, stone, salt and articles of similar nature	5 c. " ton
Chains and anchors	10 c. " "
Salt, meal, oats, potatoes, apples, corn and articles of a similar nature, in bags	½ c. per bag

7½

Public Works.

Articles.	*Rates.*
Dried fish in bulk	1 c. per qntl
Rough plaster, from quarry	2 c. " ton
Timber, lumber, boards, deals of all kinds	5 c. " M.
Cordwood and bark	5 c. " cord
Goods in cases, boxes, bales, &c	4 c. per ton of 40 cub. ft.
Naval stores, paints, oils and articles of a like nature	5 c. per ton
Stone and gravel or earth ballast for shipping	2 c. " "
Articles not enumerated above	4 c. " "
Gravel for use of roads	Free
Vessels under 50 tons	10 c. per day
" 50 tons and under 100	15 c. " "
" 100 " " 200	20 c. " "
" 200 " " 300	30 c. " "
" 300 " " 400	40 c. " "
" 400 " " 500	50 c. " "
" 500 " " 800	75 c. " "
" 800 " " 1200	$1.00 " "
" 1200 " " 1500	1.25 " "

Special arrangements to be made with the Wharfinger for vessels lying at wharf during winter.

Vessels lying with moorings attached, for shelter and a harbour, to pay one-half cent per registered ton for every 24 hours or portion thereof.

No goods to remain on the wharf longer than seven days unless by special permission of and agreement as to tolls with the Wharfinger.

Vide Canada Gazette, Vol. 9, p. 1566.

By Proclamation bearing date the 1st day of June, 1876, His Excellency, in Her Majesty's name, proclaimed and declared the Pier or Breakwater, with the appurtenances at Oak Point, in the County of Kings, in the said Province of Nova Scotia, to be works subject to the provisions of the Act respecting the Public Works of Canada.

Vide Canada Gazette, Vol. 9, p. 1562.

By Order in Council of the 6th day of June, 1876, His Excellency the Governor General in Council established rates of toll for the use of the public pier, at Maitland, in Hants County, in the Province of Nova Scotia, the rates authorized to be levied and collected being the same as those established for Oak Point. *Vide ante.*

Vide Canada Gazette, Vol. 9, p. 1633.

Public Works.

By Order in Council of the 14th day of June, 1876, His Excellency the Governor General in Council ordered that the following rates of Toll be authorized to be levied and collected by the Upper Ottawa Improvement Company, that is to say:—

Through Allumette Boom.

	cts.
Saw logs, per piece	¼
Red and White Pine, square or flatted, per piece	3

Through Melons Chenail Boom.

Saw logs, per piece	¼
Red and White Pine, square or flatted, per piece	3

Vide Canada Gazette, Vol 9, p. 1632.

By Order in Council of the 14th day of June, 1876, His Excellency the Governor General in Council, ordered, that the Order in Council of the 15th April then last, fixing rates of tolls to be levied by the Upper Ottawa Improvement Company should be cancelled, and that the following rates of toll be authorized to be levied and collected by the said Company, for "Boom Working Expenses," under the provisions of 39 Vict., chap. 72, that is to say,—

	cts.
Through Des Joachim Boom:—Saw logs not over 16 feet long, per piece	3
Through Fort William and Lepasse Booms, or either of them:—Saw logs not over 16 feet long, per piece	1¼
Through Allumette Boom:—Saw logs not over 16 feet long, per piece	2
Through Melons Chenail Boom:—Saw logs not over 16 feet long, per piece	¾
Through improvements in Mississippi, Chenail, Chat Rapids and Quio Boom, or any of them:—Saw logs not over 16 feet in length, per piece	2½
Through Improvements in Thompson's Bay:—Saw logs not over 16 feet long, per piece	1

Vide Canada Gazette, Vol. 9, p. 1631.

By Order in Council of the 16th day of August, 1876, His Honour the Deputy of the Governor General, in Council, was pleased to order and establish a Tariff of Tolls and authorized their collection, for the use of the Public Pier at Jordan Bay, Shelburne County, in the Province of Nova Scotia, the rates being the same as those established for Oak Point. See p. 99

Vide Canada Gazette, Vol. 10, p. 182

Public Works.

By Order in Council of the 16th day of August, 1876, His Honour the Deputy of the Governor General in Council was pleased to order, and it was thereby ordered, that the following Rules and Regulations respecting the Government Railways of Canada, be and the same are hereby adopted and established, that is to say :—

RULES AND REGULATIONS OF THE GOVERNMENT RAILWAYS OF CANADA.

Rules to be observed by the Staff Generally.

1. A copy of these Rules and Regulations shall be given to each Employé engaged on the line ; and a copy, printed on a sheet and framed, will be hung up in every Station, Conductor's Room, Engine house, Repair shop, &c., whare it will be open for inspection by every employé of the Railway, and no plea or excuse, for ignorance of the Rules and Regulations, will be admitted, should any Employé not have received a copy.

2. When a special, written, or telegraphic order is given by the General Superintendent, or Superintendent, to suspend or alter any of the following Rules and Regulations, such special order shall be instantly obeyed.

3. Every Employé shall make himself thoroughly acquainted with the Rules and Regulations of the Railway, including those contained in the Working Time-Table of the District in which he is employed; and he shall keep a copy of the same in his possession, under a penalty of one dollar for not doing so.

4. When an alteration takes place in the running of trains in the District in which he is employed, he shall take care to provide himself with a copy of the altered Time-Table.

5. The Regulations regarding the running of trains, which are printed on the Time-Tables, are to be read and considered as part of the Rules and Regulations of the Railway.

6. Each person is to devote himself exclusively to the service of the Railway, residing where he may be required.

7. He shall obey promptly all instructions he may receive from persons placed in authority over him, and conform to all the Regulations of the Railway.

8. All Employés of the Railway must appear on duty clean and neat.

9. No Employé shall receive fee or reward from any person on any consideration.

10. Employés must not smoke when on duty, on or about the Railway premises.

11. Any Employé intoxicated when on duty will be at once dismissed.

12. No Employé is allowed, under any circumstances, to absent himself from duty, without the permission of his superior officer, except in case of illness; and then notice must be immediately sent to his superior officer, so that a substitute may be found in season.

13. No Employè, unless appointed to do so, shall receive money on any occasion, or under any pretence, from any person on account of the Railway.

14. Employés authorized to receive money on account of the Railway, must, when required, enter into bonds for the faithful performance of their duty in this respect.



Public Works.

15. All persons in places of trust in the Railway service must immediately report any misconduct or negligence, affecting the interests or safety of the road, or failure to comply with these Rules and Regulations, which may come under their notice. Their withholding such information will be considered a proof of neglect and indifference on their part.

16. All officers concerned will be held responsible for regulating their time-pieces, in accordance with the times observed on the various Divisions of the Railway, as stated in the Time-Table.

17. The Employés of the Railway are to exercise great care and watchfulness in order to prevent injury to persons, or damage to property, and where a doubt may exist as to the proper course to pursue, *they must take the safe side, and not run unnecessary risk.*

18. Employés subject themselves to criminal prosecution for disobedience or neglect of orders, and to fine, suspension or dismissal, for misconduct, incompetency, wrangling, or using improper language while on duty.

19. The Railway authorities shall have the right to deduct from the pay of any Employé such sums as may be awarded against him by the General Superintendent for damage to property entrusted to his care, or, as fines, for misconduct or neglect of duty.

20. The pay of every man absent, or suspended from duty, will be stopped.

21. No person is to quit the Railway service without giving fourteen days' previous notice; and in case he leave without such notice, all pay then due will be forfeited.

22. Any person leaving the Railway service must deliver up to his superior all property belonging to the Railway, under his charge.

SIGNALS.

23. RED is a signal of DANGER: STOP.

GREEN—CAUTION: PROCEED SLOWLY.

WHITE—ALL RIGHT: GO ON.

24. These signals will be made by FLAGS in the day time, and by LAMPS at night.

25. In addition to this, any signal waved violently, or a man standing with both arms raised above his head, denotes Danger, and the necessity of stopping immediately.

26. The absence of a signal at a point where one is usually displayed is to be taken as denoting danger.

WHISTLING SIGNALS.

27. TO PUT ON BRAKES—*One short, sharp* whistle.
TO START OR TAKE OFF BRAKES—*Two short, sharp* whistles.
TO BACK—*Three short, sharp* whistles.
TO TURN SWITCH—*Four short, sharp* whistles.
DANGER—*A repetition of short, sharp* whistles.

On approaching Level Crossings of public roads and curves—*One long* whistle.

On approaching Stations—*One long continuous* whistle.

28. Every train or empty engine, moving on the line after *sunset*, must display one Red tail light, as well as one White light, in front of the engine.

29. A Red flag carried upon the head of an engine and tail of the train, by day, or a Red light by night, (in addition to the usual White light upon the head of the engine and Red light upon the tail of the train), denotes that an extra engine or train is *following, having right of track over all other trains.*

30. A *Red* signal, with a *Green* one carried in the manner above described, denotes that an extra engine or train, having right over all others, will come in an *opposite* direction.

31. *White* signals, carried in like manner, denote that an extra train is following, but will *keep clear* of all regular trains.

32. *Green* signals carried in the same way denote that an extra train or engine will come in an opposite direction, but will *keep clear* of all regular trains.

33. *Signal Cords* must be used on all trains, to extend from the rear car to the Whistle or Alarm Bell on the engine.

34. A *Danger or Caution* signal must be observed without cavil, the person giving it being responsible for its necessity.

35. Where Distance and Semaphore signals exist, the following Regulations respecting them must be observed :—

The *All right* signal is shewn during daylight by the arm being within the post, and by a Green light on the top of the post at night. which also means Caution—"To come on Slowly."

The *Caution* signal to slacken speed is shewn during daylight by the semaphore arm being raised to an angle, or by a Green light at night.

The *Danger* signal—*always to stop*—is shewn during the daylight by the arm being raised to the horizontal position, or by a Red light at night.

At *Draw-bridges, Crossings of other Railways, and Junctions*, the semaphore arm for *day*, and the lamps for *night* signals are always to be set at *Danger;* and every engine and train must come to a stand before reaching the signal, and not proceed until the signal to "*come on*" is shewn, and the man in charge must not alter the signal until trains or engines have been brought to a stand.

All Signal Lamps must be lighted at least half an hour before dark. They must be kept burning brightly all night, and extinguished half an hour after daylight.

DIRECTIONS FOR THE USE OF TORPEDOES (FOG SIGNALS).

36. During foggy weather, snow storms, or at any time when the ordinary signals cannot be seen, torpedoes are to be placed on the rails (label upwards) and bending the lead clip round the upper flange of the rail, to prevent their falling off. When the engine passes over the signal, it explodes with a loud report and the Driver is instantly to stop.

37. Torpedoes are to be used in addition to the regular day and night signals, *which must first be exhibited.*



38. Each and every Conductor, Switchman, Engine Driver, and Foreman of Trackmen, must provide himself with 12 torpedoes, which he must always have ready for use whilst on duty; and every Station Master must provide himself with the same number, which are to be kept in an unlocked drawer or shelf, in order that they may at all times be easy of access, and every person connected with the Station shall be made acquainted with the place where they are deposited.

39. All the above mentioned persons are responsible for having on hand the proper number of torpedoes, and when the stock is diminished, by one or more, it is their duty immediately to apply for others.

40. Whenever an accident occurs to a train, or a train is stopped on the line at any place other than a station, in consequence of which the line is obstructed, the Brakesmen must be sent each way at least 800 yards (or sixteen telegraph poles), or more if at or near a steep grade or curve, to stop an approaching engine or train; and as the men proceed they must place on the rails, at a distance of every 200 yards, one of these torpedo signals; and on arriving at the end of the above mentioned distance, they are to place two such signals on the line of rail.

41. In case of an Engine passing over one of these Signals, the train must be immediately stopped, and measures must at once be taken by the Conductor for protecting his train from any following train, by sending men back with torpedoes, which must be placed on the line every 200 yards to a distance of a quarter of a mile, the train afterwards proceeding slowly and cautiously to the place of obstruction.

42. Every Driver of an engine, not accompanied by a Conductor, must also use these signals in case of accident or obstruction, in the manner before mentioned.

43. When the line is again clear, the Conductor or Engine driver, as the case may be, must, before proceeding, remove all the signals from the rails.

44. In any of the above circumstances, and in the absence of either of the officers above mentioned, any Foreman of Works, or other servant of the Railway, is to observe the same rules to guard against danger.

PASSENGER AND STATION REGULATIONS.

45. Passengers at Ticket Stations are required to purchase their tickets before entering the cars, otherwise they have to pay to the Conductor an additional charge of twelve cents.

46. They should provide themselves with tickets at least five minutes before the advertised time for departure of the train.

47. Express Proprietors, Dealers, Agents and Messengers holding season tickets, shall not carry with them baggage or parcels for the purpose of their business, unless the freight for the same be prepaid at double 1st class freight rates. In case of violation of this rule, the ticket shall be forfeited.

48. No person must be allowed to get into or upon or quit any car after the train has been put into motion, or until it stops. Any person doing so, or attempting to do so, has no recourse upon the Railway Department for any accident which may take place in consequence of such conduct.

49. Persons drunk, and unable to take care of themselves, shall not be furnished with tickets, or be allowed to enter the cars or Station premises; and if found in the cars or Station premises, may be removed.

50. Passengers are required to produce and deliver up their Railway tickets to the Conductor, or other person in charge of the train, whenever requested so to do by such officer. Should they refuse to do this, and to pay the proper fare, they may be removed from the train at or near a station.

51. Passengers are not entitled to occupy more than one sitting in a passenger car for each ticket.

52. Passengers before they can have their baggage checked, must show their tickets to the Station Baggage Master. To avoid mistakes, they must attend personally to the checking and marking of their baggage.

53. Passengers can only have their baggage checked to the stations to which they hold tickets.

54. Passengers, on arrival at their destination, must produce their duplicate check before their baggage can be delivered to them.

55. Coachmen, hackmen, carters, porters, and runners for railroads, boats, stage lines and hotels, will not be allowed to solicit custom or passengers upon any of the trains,—nor will they be allowed to enter the stations, nor come upon the platforms on the arrival of the passenger trains, to solicit or influence passengers, but they shall stand in such places as directed by the Station Master, Agent, or Policeman. Cattle dealers, butchers and market men, will not be allowed in the cars, station or freight houses, or upon the platforms, on the arrival of the trains, for the purpose of trading; nor will hucksters, or vendors of newspapers, books, fruit, flowers, confectionery, and other such articles, be allowed in the cars, or upon the train, nor to enter the stations, or come upon the platform for the purpose of disposing of the same, except by permission of the Station Master or Conductor, under the authority of the Superintendent.

56. Coachmen, hackmen, and porters, holding checks, will be admitted into the Stations for the purpose of obtaining baggage,—they will also be admitted when taking baggage to the trains.

57. Private carriages, hacks and baggage wagons, while waiting at stations the arrival of trains, are required to stand at, in, or near the Station premises, as directed by the Station Master or Policeman. Unnecessary noise, and obscene and abusive language, are strictly prohibited.

58. All persons are strictly forbidden to walk upon the track of the Railway, or trespass upon the Railway premises.

STATION MASTERS.

59. Every Station Master must be able to write a good hand, to spell correctly, and to write grammatically; he must also be conversant with the elementary rules of arithmetic, and be able to keep books neatly; at Stations where there are no Clerks kept, he must properly understand telegraphing, and in all cases the Station Master, or one of his Clerks, must be an operator.

60. He is responsible for the efficient discharge of the duties devolving upon all the employés at the Station.



Public Works.

61. He is to see that all general and other orders are duly executed, and entered in a book to be kept for the purpose.

62. He must at all times enforce the observance of cleanliness and neatness by the employés at his station. He must immediately report every instance of neglect of duty on their part, and see that their conduct is respectful and civil to the public. Should any man be complained of, he must investigate the matter and communicate the particulars as soon as possible to the Superintendent.

63. He is responsible for the efficient protection and safety of the station, office, buildings, and other property connected therewith, and must daily inspect the same as well as the station grounds, and see that they are kept clean and in good order.

64. He shall see that all station and signal lamps belonging to his station are trimmed, and that signals of every kind are in good order and ready for instant use.

65. He must see that the time of arrival and departure of every stopping train, and the time of passing of all other trains or engines, with the number of cars in each case, are actually entered in the train book.

66. He must report immediately whenever any train leaves or passes his station before the time prescribed in the time-table.

67. He is to direct the conductor of a train when to start, and he must use every exertion to ensure punctuality.

68. He must not permit any engine or train to leave or pass his station within fifteen minutes of another going in the same direction.

69. He must keep a sharp look-out for train signals, and be careful to notify conductors of the same, and of any orders or arrangements that may exist in any way affecting the trains.

70. He must see that no engines or cars are left upon the main line, and no cars are, under any circumstances, to be loaded on main line, without direct authority from the Superintendent, after which they must be placed as quickly as possible in a siding clear of the main line, with the wheels securely scotched.

71. He must not allow an engine or car to cross or shunt on the main line within ten minutes of a train being due at his station.

72. He must see that all switches at his station are in good order, proper position, and carefully attended to at all times, and especially before and after the arrival and departure of trains, and keep the main line clear of special trains duly signalled. Where there is no switchman he must himself perform the switchman's duty.

73. He shall forthwith communicate to the Superintendent all unusual occurrences which way happen in connection with the railway.

74. In case of any obstructions on the line, or slips, or other casualties, the station master at the nearest station to the scene of the accident must immediately give notice of the same, by telegraph or otherwise to the Superintendent and the nearest foreman of the permnaent way.

75. Tickets must not be sold for any station at which the train does not stop. Ticket Agents must consult the working time-table so as to avoid mistakes.

76. He shall see that all books and returns are regularly written up and neatly kept.

77. He will be responsible for all money received at his station for account of the railway, and will be required to make good any deficiency of cash, whether arising from bad money or errors. He must make up and balance his accounts daily in the form prescribed, and remit his cash as called for by special instructions.

78. Any Station Master who shall render a statement of account which contains errors plainly traceable to his cash not having been properly counted and balanced, or to any want of care in taking an inventory of the freight in store, or shall enter remittances not actually made at the time indicated, is open to the serious charge of knowingly falsifying his accounts.

79. All goods or articles, without exception, received for transportation, must be properly entered on way bills to accompany the same.

80. He is held personally responsible for the safe keeping and proper delivery of all goods received by him, and for all charges due thereon; and all articles entered on the way-bills will be considered as having reached his station in good order, unless it is otherwise stated on the face of the way-bill.

81. He shall see that all full-loaded box cars of freight, not required to be opened until their destination is reached, are sealed.

82. Station masters shall not permit freight cars to be over or improperly laden. If a doubt exists they shall take the safe course by consulting the freight tariff as to estimated weights and measurements.

83. Station masters must not offer for transportation an improperly laden car.

84. To avoid misunderstanding and delay, a requisition for freight cars must be made upon the form provided for the purpose, and handed to the conductor. If previously telegraphed for, the fact must be stated on the requisition.

85. Freight and cattle cars must be thoroughly cleansed on being discharged. He shall immediately report every instance in which a car, bearing evidence of not having been cleansed by the sending station, arrives at his station.

86. He must be careful that all stores supplied for the station are economically used, and that there is no waste of any kind.

87. He must not supply or lend, under any circumstances, stores or other articles belonging to the railway.

STATION BAGGAGE MASTERS.

88. Station baggage masters shall wear a badge denoting their office, and be in attendance at least forty-five minutes before the advertised departure of the train.

89. They must compare baggage checks with the duplicates, and see that they correspond.

90. They must not keep more checks on hand than are necessary.

91. Checks, when not used, must be kept under lock and key.



92. A passenger is allowed 100 lbs. of personal baggage. Any quantity exceeding that weight must be charged double first-class freight rates, and must be prepaid.

93. They must not check baggage until a short time previous to the departure of the train.

94. They are to request passengers to exhibit their tickets before checking their baggage, and to check the baggage accordingly.

95. All previous station numbers on baggage must be effaced.

96. Checks must only be given to passengers, and not to cabmen, or others, on their behalf.

97. Baggage, while in charge of the Railway officers, must be well guarded, or left in a secure place.

98. A record must be kept at stations of all baggage received from passengers and forwarded by train, giving the date, number of check, train, and destination, in every case.

99. A record must also be kept of all baggage received by trains and delivered to passengers, showing date, train and number of check in the same way.

100. Baggage for Flag stations must be numbered, but not checked.

101. On no account are passengers to be allowed to take checked baggage out of the possession of baggage masters, unless properly claimed.

102. Special care must be taken not to deliver baggage without first removing the checks, and obtaining the duplicates from the passengers.

103. A report must be sent to the General Baggage Agent, Moncton, of all baggage received, the checks and duplicates of which do not tally. The report must show the time of arrival, number of train, and the name of the station whence received.

104. When a passenger has lost his duplicate check, the baggage must not be given up unless he can describe the contents of such baggage, and pays 25 cents for the lost check.

105. A receipt must be taken from the owner for all baggage so delivered without the duplicate check being presented, as also for all baggage mischecked.

106. Station Baggage Masters, or Station Masters, will report immediately to the General Baggage Agent, Moncton, any baggage missing at their station, and will also report any baggage that may have remained unclaimed one week.

107. All lost or unclaimed baggage must be sent, properly labelled, to Moncton, monthly.

108. No baggage shall be opened, except in the presence of the owner.

109. Reports must be made periodically to the General Baggage Agent of all inward and outward baggage.

SWITCHMEN

110. Men in charge of switches are required to exercise great care and vigilance, as the slightest neglect on their part may cause an accident.

111. They must be very careful to keep their switches in good working order, and in proper position, and must immediately report all defects

to the Station Master, who will advise the Superintendent and the nearest Station Foreman.

112. Before leaving his work, he must satisfy himself, by personal inspection, that the switches are properly set and locked for the main line, and that the signals are right. He must also carefully examine the switches and stationary signals every time he returns to work after being off duty

113. He must be furnished, when on duty, with the following articles:

1 Hand Lamp, having three colours.
4 Flags,—two red, one white, and one green.
12 Fog Signals (torpedoes).

114. Switchmen shall not within fifteen minutes of a train being due, allow any engines or cars to pass on to or cross the main line, without the express order of the Station Master; and then he shall not open the switch until the proper danger signal is shown. He must not allow an engine to pass from one line to another, without first ascertaining that it is safe to do so.

115. Conductors, Engine-drivers, Track-masters and others who may have occasion to use switches, shall be held responsible for leaving them locked in their proper position, but nothing in this rule shall relieve the Station Master of his responsibility in regard to switches.

CONDUCTORS.

116. Conductors must be able to write a good, legible hand, to spell correctly, and be conversant with the elementary rules of arithmetic.

117. They shall wear a badge denoting their office.

118. They must be at the station from which they are about to start, at least half an hour before the appointed time for departure, and must see that the Baggage Master and Brakesmen are also on duty at the proper time.

119. The Conductor shall see that he has on his train the following articles:—

1 Axe,
1 Saw,
1 Hammer,
1 Oil Filler,
1 Pair Scissors,
1 Case containing 12 Torpedoes,
2 Brooms,
Alarm cords and couplings,
1 Tail Rope,
2 Water Pails,
1 Chain, 12 feet long, with hooks attached,
1 lb. Sulphur,
6 Links and 6 Pins,
2 Dippers,
1 Pinch Bar,
2 Red, 2 Green and 2 White Flags,
3 Red Lamps,
2 White Lamps,
1 Green Lamp,
1 Signal Lamp,
1 Conductor's Lamp,
2 Tail Lamps,
4 Brass Brushes,
4 Axle Box Wedges,
1 Pair Trimmers,
1 Oil Pail and Packing Iron,
1 Water Crock,
1 Water Can,
3 Oil Cans,
1 Scrub Brush,
3 Ice Picks,

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2 Shovels,	1 Mop,
1 Chamois Skin,	1 Monkey Wrench,
1 Whisk,	1 Duster.

120. Until the train has started, the Conductor shall be under the direction of the Station Master. Before leaving the station, he shall see that the cars are properly coupled; that there are proper brakes, and a sufficient number of Brakesmen on the train; that the signal lamps are properly trimmed and attached to the car, and, if required, lighted; that he has a proper supply of stores on board: that the alarm cord is properly secured and extended from the engine to the rear of the train; that the cars are in a proper state of cleanliness; and, if it be winter, that the stoves have been properly attended to, and the cars ventilated and properly warmed. If the cars are found to be in a dirty condition, he must report the fact to the Superintendent.

121. In forming a train, baggage, freight, or lumber cars chall not be placed in rear of the passenger cars.

122. The rear car of every train must be a brake-car, and a man must, when the train is in motion, always be stationed on that car.

123. Conductors shall strictly obey all signals and special orders which they may receive from the officers in charge of stations.

124. They must not give the signal to start while passengers are getting on board, and should, when making it, stand near the front end of the first passenger car. They should afterwards pass to the platform of the last car, and look out for any signal that may be given them.

125. After the train has started it shall be under the conductor's entire charge and control. He is responsible for the safety of the train and all on board of it. He must see that the rules and regulations of the railway, as well as any special regulations that may be issued are strictly observed by both passengers and employés, and shall report any violations of them, and must himself take care to observe all such rules and regulations.

126. Always, when backing a train, there must be a man specially stationed upon the rear part of it to give due warning and prevent accident.

127. It shall be the conductor's duty to check the engine driver should the train be running at an unsafe speed, and to direct that the regular rate or speed prescribed in the time-table, or a slower rate if the track be in bad order, be observed as the case may require. Negligence or recklessness on the part of the engine-driver will be taken as proof of the inefficiency of the conductor, unless such conduct has been duly and distinctly reported on every occasion of its taking place. He shall at the same time treat the engine-driver with that consideration which is due to his very responsible duties, and will always advise with him in cases of difficulty.

128. In very extreme cases only can a train which has once left a station be allowed to return; and this proceeding must be accompanied with the greatest possible degree of caution. Before anything else is done, two men with red flags or lights must be sent fully half a mile in advance of the rear end of the train, to give warning to any train or trains that may be approaching from that direction, in order to guard against the possibility of collision. The train must not move until these two men have proceeded

at least half a mile. Every other available measure must also be taken to notify trackmen and to stop any approaching engine. The officers of a train so situated are to assume in every case that a train is approaching and act accordingly. Conductors or other officers in charge of any trains that may receive such warning are responsible for protecting their own trains in the same manner.

129. When a train breaks down or is stopped or seriously delayed on the road similar precautions must be taken, should the case require it; to guard against being run into by any other train, proper use must be made of red flags, or lanterns and torpedoes. When assistance is required, or when the circumstances require it, messengers must be sent to the station master on either side, and the conductor must communicate direct, or through those officers, with the Superintendent.

130. He shall see that the brakesmen and other train employés are kept at their posts so as to be ready for any emergency, that they are cleanly and attentive to their duties, and that their signals are ready for instant use.

131. The conductor shall, from time to time, during the journey, examine the wheels, brakes, springs, trucks and journals of the cars, and must see that they are kept in proper order.

132. The tail signal must also be examined at every station, and in the event of a train being brought to a stand on the main track, the conductor must take care that no person obstructs the rear view of it.

133. Whenever telegraphic despatches are sent, directing the movements of trains they must be repeated back by the receiving office to the sending office, and acknowledged by the persons to whom they may be addressed. Such acknowledgment shall always show how the message is understood by the parties receiving it, and such persons shall not start the train until they have found their construction of the message to be the true one. If doubt should arise they must take the safe course.

134. Verbal messages which in any way affect the movement of engines or trains must not under any circumstances be received through a third party, whatever confidence may be placed in the veracity of such person. All instructions not communicated personally or by telegraph to the individual for whom they are intended must be in writing. The responsibility of accident resulting from a misunderstanding of this sort, will rest upon the person acting without the proper authority.

135. The conductor must not allow persons to ride on the platform or outside of the cars, or in the baggage car, and must use all possible means to prevent passengers exposing themselves to danger.

136. In the event of any passenger being drunk or disorderly, to the annoyance of others, he must use all gentle means to stop the nuisance; failing which, he must exercise his authority, and restrain, or keep him in a separate place until his arrival at the next station, or at a station near to a police office or lock-up, where the passenger must be left, and may be, if considered expedient, delivered to the police and charged with the offence in the usual way.

137. Whenever a fare is collected in the cars the conductor must at

once issue a ticket to the passenger, and enter the amount in his book. No excuse will be admitted for any departure from this rule.

138. Conductors must promptly deliver all letters, way-bills and despatches entrusted to their care.

139. They must not allow the sale of books, papers, refreshments, &c., in the cars, without permission from the Superintendent.

140. Freight trains must always keep out of the way of passenger trains. If from unavoidable circumstances the conductors of such trains find themselves running within ten minutes of the running time of a passenger train following them they must use all proper means to inform such passenger train of their position and prevent its running into them. If practicable, conductors of such freight trains must direct trackmen to put out signals and notify the passenger train conductor that a freight train is immediately ahead.

141. Conductors of freight trains must not take loaded cars without way-bills, nor way-bills without the proper cars.

142. Cars must not be taken beyond stations to which their contents may be destined, unless needed, as they may have to be brought back empty

143. At stations where freight for several way stations is loaded into one car, particular attention should be given to have that loaded for the farthest station put in the car first, and so on in succession, until the freight for the nearest station to the point where it is being loaded is next the door of the car.

144. Conductors will be held personally responsible for the proper care of all goods or property entrusted to them, and will be careful to see that the same are delivered to the station masters according to the way-bills.

145. A conductor shall not permit live stock to be carried in closed cars. When there are horses on a train, unless the owner has sent a person in charge of them, he will see that they are carefully watered and moderately fed on the road; and the expense thus incurred shall be paid him at the end of his journey by the station master, who shall be reimbursed by the consignor or consignee, or owner, as the case may require.

146. It is his duty to make himself acquainted, as far as practicable, with the condition of the goods conveyed on his train; and when they are stowed so as to be liable to damage, to stow them differently, or, if that be not possible, to leave them, if necessary, at a station, to be sent on more securely stowed by another opportunity, reporting the same to the Superintendent. He shall see that no pilfering of the contents of the car takes place, and that the doors of loaded cars are sealed, and empty ones closed.

147. If from any cause it becomes necessary to leave freight where it does not belong, the Conductor shall note the fact on the way-bill, and give notice in writing to the Superintendent. He shall take all proper means to have the same forwarded to its destination without delay.

148. Irregular trains must be on a siding at least fifteen minutes before the regular trains are due, and wait till they have passed, unless otherwise ordered.

149. Conductors will duly call the attention of the Repairer of cars—or, in his absence, that of the Station Master—to any repairs required, or

damage that may have been sustained by the cars, and in the latter case report the particulars to the Superintendent.

150. They must be careful, also, to report to the nearest Station Master and to the Division Superintendent any defect they may observe on the line.

151. Conductors must keep a diary of their proceedings, which must be ready for inspection at all times; and they shall make daily returns upon the proper form to be supplied them.

152. Where a Conductor may have had charge of a train for only part of a trip, he must insert in his return, upon the proper form, and over his own signature, the particulars of the same, which, with any money he may have collected, he will hand over to the officer relieving him, who will complete and forward the return, also signing it.

153. The Conductor shall enter in his diary all delays, casualties, or unusual occurrences, and report the facts to the Superintendent. He will also make a note of them in his return

TRAIN BAGGAGE MASTERS.

154. Train Baggage Masters shall wear their proper badge of office, and must report any baggage they receive not properly marked and checked; they must be particular to see that the number of the station for which the baggage is intended is distinctly marked.

155. All checks and duplicates in charge of Train Baggage Masters must be compared by them before being used.

156. Checks must not be carried loose in the baggage car, but shall be kept in a box supplied for that purpose.

157. Baggage for Flag Stations shall be numbered, but not checked.

158. Train Baggage Masters shall keep a proper account, in books provided for the purpose, of all baggage checked or unchecked, showing stations at which the baggage is received and delivered.

159. They shall not allow persons, except those working the train, to ride in the baggage car, unless by direction of the Conductor.

160. They shall not leave the station, at the end of the journey, until the baggage has been claimed or properly disposed of.

161. They shall obey such other instructions in regard to baggage, and perform such other duty, as may be required of them.

BRAKESMEN.

162. Brakesmen must wear their proper badge of office, and while the train is in motion, must be near their brakes, which, when necessary, they will skilfully apply.

163. Passenger car brakes must always be eased off, and not permitted suddenly to escape, so that no disagreeable jarring may be felt by the passengers

164. The alarm cord must not on any account be removed at the end of a journey until the train has been brought to a stand.

165. Brakesmen shall perform such other duties as may be required of them



Public Works.

166. Freight Conductors and Train Baggage Masters shall act as Brakesmen when not engaged with their other duties.

ENGINE DRIVERS.

167.—*Table showing the speed of an Engine, at a given rate per hour.*

Speed per hour.	Time of performing ¼ mile.	Time of performing ½ mile.	Time of performing 1 mile.	Speed per hour.	Time of performing ¼ mile.	Time of performing ½ mile.	Time of performing 1 mile.
Miles.	M. S.	M. S.	M. S.	Miles.	M. S.	M. S.	M. S.
5	3 0	6 0	12 0	33	0 27	0 54	1 49
6	2 30	5 0	10 0	34	0 26	0 53	1 46
7	2 8	4 17	8 34	35	0 25	0 51	1 43
8	1 52	3 45	7 30	36	0 25	0 50	1 40
9	1 40	3 20	6 40	37	0 24	0 48	1 37
10	1 30	3 0	6 0	38	0 23	0 47	1 34
11	1 21	2 43	5 27	39	0 23	0 46	1 32
12	1 15	2 30	5 0	40	0 22	0 45	1 30
13	1 9	2 18	4 37	41	0 21	0 43	1 27
14	1 4	2 8	4 17	42	0 21	0 42	1 25
15	1 0	2 0	4 0	43	0 20	0 41	1 23
16	0 56	1 52	3 45	44	0 20	0 40	1 21
17	0 52	1 46	3 31	45	0 20	0 40	1 20
18	0 50	1 40	3 20	46	0 19	0 39	1 18
19	0 47	1 34	3 9	47	0 19	0 38	1 16
20	0 45	1 30	3 0	48	0 18	0 37	1 15
21	0 42	1 25	2 51	49	0 18	0 36	1 13
22	0 40	1 21	2 43	50	0 18	0 36	1 12
23	0 39	1 18	2 36	51	0 17	0 35	1 10
24	0 37	1 15	2 30	52	0 17	0 34	1 9
25	0 36	1 12	2 24	53	0 17	0 34	1 7
26	0 34	1 9	2 18	54	0 16	0 33	1 6
27	0 33	1 6	2 13	55	0 16	0 32	1 5
28	0 32	1 4	2 8	56	0 16	0 32	1 4
29	0 31	1 2	2 4	57	0 15	0 31	1 3
30	0 30	1 0	2 0	58	0 15	0 30	1 2
31	0 29	0 58	1 56	59	0 15	0 30	1 1
32	0 28	0 56	1 52	60	0 15	0 30	1 0

168. The Engine Driver, when at a station, shall be subject to the orders of the Station Master.

169. He shall be guided by instructions from the Conductor as to when to start and stop the train.

170. He must not proceed after sunset, unless the proper lights are exhibited on his engine.

171. No special train or engine shall leave any station without the authority of the Superintendent.

172. Every Engine Driver and Fireman must provide himself with a good watch, and compare the time with Conductors and Drivers of other trains they meet as well as with Station clocks, reporting all differences to the Superintendent

173. They must pay immediate attention to all signals, whether the cause for giving them be known or not.

174. The Driver must be in attendance at the station at least half an hour, and the Fireman at least forty-five minutes, before the appointed time for starting the train. He must see that the engine is coupled, at least ten minutes before the time for starting—that it is in proper working order, sufficiently supplied with fuel, and water, and properly oiled—that the alarm cord is attached to the gong or whistle, and that the lamps, and signals, are in a fit state for use. Before taking charge of the engine, he and the Fireman must sign their names in the appearance book, kept by the Locomotive Foreman.

175. Conductors and Drivers of Trains supplied with Air Brakes, are responsible for seeing that such are in perfect working order before starting from terminal stations : this also applies to the ordinary Brakes and running gear on all cars.

176. Every Engine Driver shall have with him, at all times, the following tools :—

2 Jack Screws.
1 Set Hand Wrenches.
3 Oil Cans (a full set).
1 Large Monkey Wrench.
1 Small Monkey Wrench.
3 Cold Chisels.
1 Hand Hammer.
1 Copper Hammer.
1 Pinch Bar.
2 Fire Buckets.
2 Sets Signals (Flags.)
1 Engineers' Lamp.
1 Red Tail Lamp.
1 Signal Lamp.
1 Green Lamp.
1 Head Light.
1 Hand Saw.
1 Tallow Kettle.
6 Iron Plugs, for Tubes.
2 Large Boxes, or Chests.
2 Small Chests.
5 Chains, with Rings and Hooks attached
1 Narrow Axe
1 Switch Rope (30 feet.)
1 Plug Iron.
1 Scraper, for ash pan.

Public Works.

1 Picker, for fire.
1 Case, containing 12 Torpedoes.
A quantity of Flax and Twine.

for which he shall be held responsible, and any party found guilty of destroying them shall be fined or dismissed.

177. The Engine Driver shall not allow any persons, except the Superintendents and Trackmasters, to ride on his engine or tender, without due authority.

178. He must not start his train until the bell be rung, and he receive the signal from the Conductor; he must, invariably, start carefully, without jerking, and see that he has the whole of his train; he must run the train as nearly to time as possible, arriving at the Stations neither too late, nor too soon. He must not shut off steam suddenly, so as to cause concussion of the cars, unless in case of danger.

179. If a train becomes separated when in motion care must be taken not to stop the portion in front before the after-part has stopped, and the men on such detached part must apply their brakes in time to prevent collision with the cars in front.

180. No engine shall run tender or train foremost, unless from unavoidable necessity, or by order of the Superintendent.

181. The Driver shall stand by the hand-gear, and keep a good look-out. The Fireman also must be on the look-out when not engaged in other duties.

182. Before passing switches, he must be careful to see that the targets are correctly set.

183. An Engine Driver on duty must not leave his engine except in cases of great necessity, on which occasions he must place it in charge of the Fireman, and notify the nearest Locomotive Foreman of the fact in order that a competent person may be sent to take his place. On no account shall both leave it until it is given in charge to the party authorized to receive it.

184. Engine Drivers are required to run slowly and carefully over rough or bad track, and round curves, or through cuttings. The Track-masters are authorized, when it is found necessary, to prescribe rates of speed, faster than which an engine must not be driven over the parts of the roads indicated, and they are instructed to report violations of their instructions in this respect.

185. In running behind another train, the Driver must so run as to allow the leading train to be not less than two miles in advance, and, on approaching a station, and entering, or running round curves, he must exercise great caution so as to avoid the possibility of a collision. No excuse as to being deceived about the distance will be received for neglect of this rule. The responsibility of a collision will rest upon the Conductor and Engine Driver of the rear train.

186. When approaching stations, crossings, bridges and viaducts, and when passing wood piles, all trains are required to run at reduced speed and with extreme caution, the dampers of the engines being closed.

187. When trains have to pass each other, the train having the right to the road shall occupy the main track.

188. Engine Drivers are to take care that the whistle be sounded 800 yards before reaching every level crossing of a public road, and that the bell

be rung 600 yards before reaching such crossing, and until the crossing be passed. The bell, and whistle, are also to be sounded, when approaching a cutting, station or junction. During foggy weather also, the bell must be sounded at proper intervals.

189. They must never allow themselves to be governed by any information they may receive as to where the train ahead will stop for fuel or other cause, but must always be prepared to stop short of the Station. They should invariably run on the supposition that a train may be found out of place at a station.

190. In bringing up his train, the driver must pay particular attention to the state of the weather, and the condition of the rails, as well as to the length of the train, and these circumstances must have due weight in determining him when to shut off the steam. Stations must not be entered so rapidly as to require a violent application of the brakes, or to render necessary the sounding of the signal whistle. He must report every instance, of overshooting a station, to the Superintendent.

191. Unless he himself is in the cab of the engine at the time, and directing its movements, he must not allow the Fireman to shunt cars, or move the engine; cars must not be shunted, at so great a speed, as to endanger the lives of men employed in coupling, or in any way injure the property of the Railway.

192. An engine or train shall not pass from a Branch on to the Main line until the proper signals are given.

193. No Engine Driver, when acting without a Conductor, shall, without the express permission of the Station Master, move his engine, on any pretence, from any siding on to the main line

194. When there is an unavoidable necessity, from an accident, or other special cause, for an engine to stop on the main line, the Engine Driver must send a man each way with signals, to the distance of 800 yards (or sixteen telegraph poles), or more, if at or near a steep grade, or curve, in order to protect the train or engine.

195. Engine Drivers shall not, except in case of accident or sudden illness, change engines on the journey, without permission.

196. They must not allow fuel or waste to be thrown from the engine or tender, while in motion

197. Engine Drivers must guard against killing stock. Should any animal be injured by the engine, the Engine Driver must report the same in writing, to the Superintendent, stating the facts of the case. Any Engine Driver who neglects to make such report immediately, will be held responsible for all damages.

198. Should a fire occur on a train, it must be stopped, and the proper measures at once be taken for protecting the train. The burning car, or cars must be detached with as little delay as possible. No attempt must be made to run to a tank, if it be more than three hundred yards distant, as such a proceeding is likely to cause the fire to spread.

199. In case of doubt or difficulty, Engine Drivers and Conductors must consult and advise with each other, as they will be held equally responsible for any violation of the rules, through forgetfulness, negligence,



misapprehension, or any other cause. In all cases of doubt, the safe side must be taken, *safety being the first consideration.*

200. Should a Conductor be disabled, the Engine Driver will have full charge of, and be held responsible for the safety of the train until another officer takes charge. In such case, he shall observe the rules laid down for the guidance of Conductors.

201. Engine Drivers, when on the line, will obey the direct orders of the Superintendent, whether the same shall be communicated verbally, by telegraph, or in writing; and in all cases where a message directing the train or engine to proceed cautiously, or at a given rate of speed, over any part of the Railway, or any bridge or viaduct, is given to the Conductor of any train, he shall at once hand the same to the Engine Driver, and call his attention to the contents thereof; and the Engine Driver shall retain it in his possession. If any Engine Driver shall, after the receipt of such message, incautiously or at a greater rate of speed than that named, drive his engine over the portion of the Railway, bridge, or viaduct named, he shall at once be dismissed from the service; and any Conductor failing to obey the requirements of this order will receive like punishment.

202. Every Engine Driver must carefully examine his engine after each journey, and he must immediately report to the Locomotive Foreman, and enter in the book that is kept for that purpose, any defect or deficiency in his engine. He must also report to the Superintendent and to the Station Master at the nearest station, any accident, neglect or irregularity that may have occurred on the journey.

203. Engine Drivers must keep diaries, and make returns to the Locomotive Department, as may be required.

FIREMEN.

204. Firemen are subject to the orders of the Engine Drivers, while on their engines.

205. They will keep the engine cleaned and properly oiled, and assist the Engine Driver, as may be required.

MAINTENANCE OF WAY DEPARTMENT.

206. The Trackmaster, under the direction of the Engineer, who shall be responsible to the General Superintendent—shall have the charge and supervision of all Repairmen in his Division, and be held responsible for the faithful performance by them of their duty.

207. When materials are wanted for repairs, the Trackmaster on receiving a requisition from the Foreman properly filled in, will countersign it if the materials are known to be required, and forward it to the Engineer.

208. Before any Foreman or Labourer is engaged by the Trackmaster, he must be made to understand that the wilful transgression of any of these rules—insubordination, drunkenness, being found off his work during working hours, or the commission or omission of any act whereby the passage of trains or engines is endangered—will be punished by dismissal.



209. In every gang of track-labourers there must be a Foreman; and the Trackmaster will be held responsible that every Foreman is provided with a copy of the Regulations, a copy of the current Time-Table, and the proper signal flags and lamps, and twelve torpedoes or fog signals; also that each Foreman is furnished with an accurate gauge for gauging the line of track, and with all other necessary materials and implements.

210. Each Foreman shall constantly carry with him a copy of these Rules and Regulations while on duty, and must read and explain them to every man engaged under him, and must produce them, when required to do so by any of the principal officers of the Railway. He shall be responsible for the men under his charge, and for the proper execution of the work assigned to them, and shall have a list of the names and places of abode of all men employed under him, so that in case of accident or other emergency he may be enabled to summon them immediately.

211. Each Foreman or other employé, selected by the Trackmaster, must walk over his section every morning, and oftener, should it be necessary for him to do so, as in the case of violent storms. Foremen must see that all joints are properly spiked and bolted, and the joint ties well packed up, and all other things appertaining to the road secured before the passage of the first train.

212. During heavy storms of rain, snow or hail, whereby the works may be liable to sudden injury, Foremen must be on duty, and immediately after the abatement of the storm, or if necessary during its continuance, they are required to go over their sections with danger signals to ascertain if the Track is safe for the passage of trains.

213. Track repairers must be particular in watching each train, as it passes, to see whether any notices are dropped off the train, or flags or lamps are exhibited upon the engine, and rear of the train, giving notice of an extra train.

214. The *Green* signal indicates caution, and is to be used when it is necessary to slacken the speed of an approaching train; the *Red* signal indicates danger, and is to be used when necessary to stop the Train, and such signals must be sent back for a distance of twenty (20) telegraph poles from the place they are meant to protect, and must be waved across the track.

215. Whenever it is necessary to displace any part of the track, or in case of any slip, or failure, of any portion of the works, or in the event of any car being required for temporary use on the line, or if, from any other cause, the track is not safe, the *Red* signal must be conspicuously exhibited at a distance of not less than twenty (20) telegraph poles each way, even if no train or engine is expected, and a torpedo must be placed outside the *Red* signal a further distance of two (2) telegraph poles. No hand car or lorry must be used on the track, or work done, to impede the transit of trains during a fog or snow-storm, or within fifteen minutes of the time of a train being due.

216. When any part of the track is out of repair, so as to make it necessary for a train to proceed cautiously, a signal must be sent twenty (20) telegraph poles in the direction whence a train is expected, and kept there until it passes, or until the track is made safe.



217. The track must not, in any case, be displaced for the purpose of putting in cattle guards, cross drains or culverts, unless by express order of the Trackmaster. The track must not be rendered unsafe, by any operation, during the day, or night, or upon Sunday, until notice shall have been given by the Trackmaster to the Superintendent, and permission obtained to use the track.

218. No rails must be taken up, nor must the track be otherwise disturbed, in such a manner as to render it unsafe, within twenty minutes of the time of a train being due, nor until it has passed. All such work must be done between the regular running hours.

219. In raising the track and packing the ballast, no lift must be greater than two inches in twenty-four feet, and both rails must be raised equally and at the same time; and in all cases, when practicable, the lift must be made in the direction in which the first train due approaches.

220. The Trackmaster must see that safety blocks are put down on all sidings diverging from the main track, at a proper distance therefrom.

221. The Foreman of each Section, under the direction of the Trackmaster, is held responsible for the safe keeping of all sleepers, rails, chairs, plates, bolts, tools and implements of every kind pertaining to the track not in special charge of the keeper, and the Trackmaster must immediately report to the Engineer any losses or destruction of such property.

222. The Foreman must report, in writing, to the Trackmaster, every case in which any of the signals are disregarded by an Engine driver.

223. All persons walking along the line, who are not in the Railway service, must be warned off; and, in case of non-compliance, their names ascertained and reported to the Trackmaster, or they must be placed under arrest, as the exigencies of the case seem to require.

224. Animals found straying within the railway fence must be immediately driven off. Section men will close all gates found open. Owners and occupiers of property adjacent to the Railway must keep properly shut all gates at private crossings: in case of accident through negligence on their part, or on the part of their servants, in leaving them open, they will be held liable for the consequences.

225. When the lorries or hand cars are not in use, they must be lifted off the track, and the wheels secured by a chain and lock. Track lorries must only be used to convey materials for the line; they must never be attached to a train.

226. All surface crossings must be closely looked after, and foremen must see that the planking is securely spiked down. Any temporary injury to any of the telegraph poles or wires shall be repaired as far as practicable, and intelligence of the damage immediately conveyed to the nearest Station Master. If not a telegraph station, the Agent shall write to the telegraph station, giving particulars.

227. Track foremen must be particular in cutting down trees which are too near the telegraph wires, and when the WIRES ARE TOUCHING EACH OTHER SEPARATE THEM, fix them up and keep them from wet.

228. In case of the *water supply* at any Station being short, or the frog of a siding being out for repair, or any other matter affecting the movement of *Traffic*, Foremen must report by telegraph, at once, to the Bulletin Boards on their divisions, and to the Trackmaster as well

Public Works.

229. All articles found on the track must be properly sent to the Stationmaster of the nearest Station.

Vide Canada Gazette, Vol. 10, p. 182.

By Order in Council of the 7th day of September, 1876, His Honour the Deputy of the Governor General in Council, ordered that the toll of one-half cent, authorized by Order in Council, dated 3rd November, 1873, to be levied on logs passing through the Dumoine Slide be increased to one and a half (1½) cents per log.

Vide Canada Gazette, Vol. 10, p. 312.

By Order in Council, dated the 7th day of September, 1876, His Honour the Deputy of the Governor General in Council, ordered, that in addition to the tolls authorized to be levied by Order in Council dated 10th September, 1874, for the use of the Locks at Hastings, Newcastle District, a charge of fifty (50) cents be imposed and authorized to be collected on steamers, when not towing freight, and on other boats passing through said locks.

Vide Canada Gazette, Vol. 10, p. 312.

Public Works.

By Order in Council of the 7th day of October, 1876, His Honor the Deputy of the Governor General in Council, ordered, that the following tariffs for the carriage of freight from St. John and Halifax to all stations on the Intercolonial Railway as far north as Campbellton be adopted and established :—

FREIGHT TARIFF.

From Saint John to Halifax, Campbellton, and Intermediate Stations.

STATIONS.	Classes.				Car loads.		STATIONS.	Classes.				Car loads.	
	1	2	3	4	Flour.	Grain.		1	2	3	4	Flour.	Grain.
	cts.	cts.	cts.	cts.	$	$		cts.	cts.	cts.	cts.	$	$
Rothesay	9	7	6	5	9 50	10 00	Truro, Brookfield, Stewiacke	36	31	22	16	26 00	31 00
Nauwigewauk	11	10	7	6	10 50	12 50							
Hampton	12	10	8	6	11 50	12 50							
Passekeag	14	12	9	7	12 50	14 00	Shubenacadie, Milford, Elmsdale, Enfield	38	33	23	17	27 50	32 50
Norton	16	14	10	8	14 00	15 00							
Apohaqui	17	14	10	8	15 00	16 00							
Sussex	18	15	11	9	16 00	18 00							
Penobsquis	20	17	14	10	17 00	19 00	Wellington, Windsor J'ç't'n., Bedford, Halifax	40	35	25	20	30 00	35 00
Anagance	21	17	14	10	18 00	21 00							
Petitcodiac	22	18	14	11	18 50	21 50							
Salisbury	24	20	15	11	19 00	22 00							
Moncton	27	23	16	12	19 50	22 50	Berry's Mills, Canaan	30	24	17	12	22 00	24 00
Painsec	28	24	16	12	20 50	23 00							
Dorchester R'd., Shediac, Point du Chêne	30	24	17	12	23 00	24 00	Coal Branch, Weldford, Ferris, Forrest, Barnaby River	33	29	19	13	22 50	26 00
Memramcook, Dorchester, Sackville, Aulac, Amherst, Maccan	31	26	18	13	22 50	24 00	Chatham, Miramichi, Beaver Brook, Bartibogue	35	30	21	15	25 00	30 00
Athol, Spring Hill, River Phillip, Oxford, Thomson	34	28	20	14	24 00	28 00	Red Pine, Bathurst, Petite Roche, Belldune, Jacquet River	38	33	23	18	27 50	32 50
Greenville, Wentworth, Londonderry, Debert	35	30	21	15	25 00	30 00	New Mills, Charlo, Dalhousie, Campbellton	40	35	25	20	30 00	35 00

Subject to classification and conditions on the General Tariff.

Public Works.

FREIGHT TARIFF.

From Halifax to Saint John, Campbellton, and Intermediate Stations.

Stations.	Classes. 1	2	3	4	Car loads. Flour.	Grain.
	cts.	cts.	cts.	cts.	$	$
Bedford	9	7	6	5	9 50	10 00
Windsor Junction	11	9	7	5	10 50	12 00
Wellington.........	13	11	8	7	11 50	14 00
Enfield........	14	12	9	7	13 00	15 50
Elmsdale............	15	13	9	8	13 50	16 00
Milford...	17	14	10	8	14 50	17 00
Shubenacadie......	18	15	11	9	15 50	18 00
Stewiacke..	19	16	12	9	16 50	19 00
Brookfield..	20	17	14	10	17 50	20 00
Truro.	22	18	14	11	18 00	21 00
Valley	22	18	14	11	18 50	21 50
Union..	23	19	14	11	18 50	21 50
Riversdale	24	20	14	11	19 00	22 00
West River	25	21	15	11	19 00	22 00
Glengarry..........	27	23	16	11	19 50	22 50
Hopewell............	28	24	16	11	19 50	22 50
Stellarton...........	30	24	17	11	20 00	23 00
New Glasgow.. Pictou Landing Pictou	31	26	18	12	22 50	24 00
Debert	24	20	14	11	19 00	22 00
Londonderry	25	21	15	11	19 00	22 00
Wentworth.........	27	23	16	11	19 50	22 50
Greenville..........	28	24	16	11	19 50	22 50
Thomson	30	25	17	11	24 00	23 00
Oxford ... . River Phillip... Spring Hill......	31	26	18	12	22 50	24 00
Athol. .... Maccan........... Amherst..........	32	27	18	12	23 00	25 00
Aulac .... Sackville..	33	29	19	13	23 50	26 00
Dorchester ...... Memramcook...	34	29	20	14	24 00	28 00
Painsec Junction	35	30	21	15	25 00	30 00

Stations.	Classes. 1	2	3	4	Car loads. Flour.	Grain.
	cts.	cts.	cts.	cts.	$	$
Dorchester R'd Shediac........... Point du Chêne Moncton .... Salisbury.........	35	30	31	15	25 00	30 00
Petitcodiac ..... Anagance	36	31	22	16	26 00	31 00
Penobsquis...... Sussex	37	32	33	17	27 00	32 00
Apohaqni .... Norton .... Passekeag.......	38	33	23	18	27 50	32 50
Hampton .... Nauwigewauk.. Rothesay .... St. John	40	35	25	20	30 00	35 00
Berry's Mills.	35	30	21	15	25 00	30 00
Canaan .... Coal Branch....	36	31	22	16	26 00	31 00
Weldford......... Ferris	37	32	23	17	27 00	33 00
Forrest...............	38	33	23	18	27 50	32 50
Barnaby River.. Chatham......... Miramichi .... Beaver Brook...	39	34	24	19	29 00	34 00
Bartibogue ...... Red Pine	40	35	25	20	30 00	35 00
Bathurst .... Petite Roche...	41	35	23	21	31 50	36 00
Belledune........ Jaquet River.... New Mills......	42	36	26	22	32 50	37 50
Charlo............ Dalhousie	43	37	27	23	34 00	39 00
Campbellton.......	44	38	28	24	35 00	40 00

Subject to the classification and conditions on General Tariff.

Vide Canada Gazette, Vol. 10, p. 488.

Public Works.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 6th day of January, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS, by the "British North America Act, 1867" certain public buildings became the property of Canada, and by 31 Vic., chap. 12, intituled: "Act respecting the Public Works of Canada," the same were placed under the control and management of the Minister of Public Works;

And whereas amongst such buildings are the Asylums at Toronto and Orillia, the Reformatory at Penetanguishene and the Gaol and Court House at Sault Ste. Marie, situate in the Province of Ontario ;

And, whereas, the Government of the Province of Ontario have applied for the transfer to that Province of the Public Buildings in question,—

His Excellency in Council on the recommendation of the Honorable the Minister of Public Works, and under the authority of the 108th Section of the first mentioned Act, and the 8th item of the third Schedule attached thereto, has thereupon been pleased to order, and it is hereby ordered, that all and singular the several Public Buildings, hereinafter mentioned situate in the Province of Ontario, shall be, and they are hereby transferred to and appropriated for the use of the Legislature and Government of the Province of Ontario, that is to say :—

1. The Asylums at Toronto and Orillia.
2. The Reformatory at Penetanguishene.
3. The Gaol and Court House at Sault Ste. Marie.

W. A. HIMSWORTH,
Clerk Privy Council

By Order in Council of the 25th day of April, 1877, His Excellency the Governor General in Council ordered that the Public Work known as the "Desjardins Canal," in the Province of Ontario, be placed under the control and management of the Corporation of the Town of Dundas for the period of one year from the twenty-sixth day of April, then instant, subject to the condition specified in the 57th section of the said Act, and to the further condition that the rates of toll to be collected for the use of the said Canal shall be the same as those heretofore charged by the Desjardins Canal Company, whose charter has expired; and the said Corporation is authorized and empowered under the provisions of the 66th Section of the said Act, to prevent the removal of any articles on which tolls are due from the Canal Basin until such tolls shall have been paid.—*Vide Canada Gazette*, vol. 10, p. 1,392.

SECRETARY OF STATE.

Letters patent of incorporation under the "Canada Joint Stock Companies Letters Patent Act, 1869," have been issued to the following Companies, viz :—

The Beauharnois Steam Navigation Company, with a capital of $40,000, on the 4th day of June, 1875.

The Montreal Card and Paper Company, with a capital of $50,000, on the 25th day of June, 1875.

The North-West Trading Company, (limited) with a capital of $100,000, on the 22nd day of July, 1875.

The Bay of Quinté and Oswego Navigation Company. with a capital of $45,000, on the 22nd July, 1875.

The Lake St. Francis Navigation Company, with a capital of $80,000, on the 22nd day of July, 1875.

The St. Lawrence Grain Company, with a capital of $200,000, on the 20th day of April, 1876.

The Photo.-Electric Telegraph Company, with a capital of $20,000, on the 20th day of April, 1876.

The Quebec and Levis Ferry Company, with a capital of $150,000, on the 9th day of June, 1876.

The Dominion Ladder Company, with a capital of $32,000, on the 25th day of October, 1876.

Fellowes' Medical Manufacturing Company, with a capital of $100,000 on the 8th day of December, 1876.

The Montreal Packing Company, with a capital of $100,000, on the 22nd day of December, 1876.

The Canadian District Telegraph Company, with a capital of $24,000, on the 12th day of February, 1877.

The North-West Transportation Company, with a capital of $300,000, on the 5th day of March, 1877.

The Woodbury Patent Planing Machine Company (limited), with a capital of $50,000, on the 5th day of March, 1877.

The Saskatchewan Transportation and Trading Company (limited), with a capital of $200,000, on the 3rd day of April, 1877.

The Insurance Printing and Publishing Company (limited), with a capital of $10,000, on the 24th day of April, 1877.

The Dominion Gas Light Company (limited), with a capital of $20,000, on the 10th day of May, 1877.

The Stock of the following Companies was increased:—

The Edwardsburg Starch Company by $80,000. By-law filed 30th March, 1875.

The Canadian Express Company, by $1,000,000. By-law filed 9th April, 1875.

The Lake and River Steamship Company, by $25,000. Supplementary Letters Patent issued 26th October, 1875

The Brockville Chemical and Superphosphate Company, by $300,000. Supplementary Letters Patent issued 2nd February, 1877

Addendum Interior.

By a Proclamation bearing date the 15th day of December, 1876, His Excellency, in Her Majesty's name, proclaimed, ordered and declared that all the reserves and Indian lands in the Province of British Columbia are exempted from the operation of sections twenty-five, twenty-six, twenty-seven and twenty-eight of the Act of the Parliament of Canada, passed in the thirty-ninth year of Her Majesty's Reign, chaptered eighteen, and intituled "An Act to amend and consolidate the laws respecting Indians."

Vide Canada Gazette, Vol. 10, p. 799.

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PARLIAMENT

OF THE

DOMINION OF CANADA,

PASSED IN THE

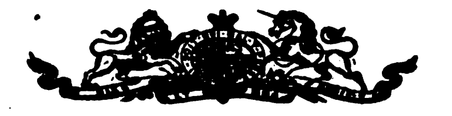
FORTIETH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FOURTH SESSION OF THE THIRD PARLIAMENT,

Begun and holden at Ottawa, on the eighth day of February, and closed by Prorogation on the twenty-eighth day of April, 1877.

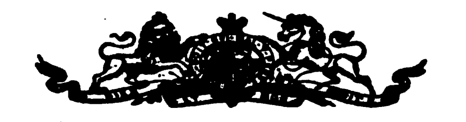


HIS EXCELLENCY
THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,
GOVERNOR GENERAL.

VOL. I.

PUBLIC GENERAL ACTS.

OTTAWA:
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LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1877.



40 VICTORIA.

CHAP. 1.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1877, and the 30th June, 1878, and for other purposes relating to the public service.

[*Assented to* 28*th April*, 1877.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-seven, and the thirtieth day of June, one thousand eight hundred and seventy-eight, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada that:—

Sum granted for 1876-77. $1,625,395.99.

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole one million six hundred and twenty-five thousand three hundred and ninety-five dollars and ninety-nine cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-six, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-seven, not otherwise provided for, and set forth in Schedule A. to this Act, and also for the other purposes in the said Schedule mentioned.

Sum granted for 1877-78, $16,286,576 52

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole sixteen million two hundred and eighty-six thousand five hundred and seventy-six dollars and fifty-two cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-seven, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-eight, not otherwise provided for, and set forth in the Schedule B. to this Act, and for other purposes in the said Schedule mentioned.

Account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Recital as to amounts of authorized loans remaining unborrowed.

4. And whereas there remained on the thirty first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz:—

	$ cts.	$ cts.
For Intercolonial Railway........................		2,433,333 33
For opening communication and administration of the Government in the North-West Territories..............................		1,460,000 00
For improvement of the River St. Lawrence..		1,500,000 00
For the improvement of Quebec Harbour......		1,200,000 00
For the Pacific Railway and Canals............		7,300,000 00
For general purposes, balance, 30th June, 1876.............	18,582,824 06	
Redeemed to 31st December....	1,823,645 65	
	20,406,469 71	
Issued	12,166,666 66	
		8,239,803 05
		$22,133,136 38

Such sums may be raised under 35 V., c. 6, and 38 V., c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

SCHEDULE A.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1877, and the purposes for which they are granted.

Service.		Amount.	Total.
CHARGES OF MANAGEMENT.		$ cts.	$ cts.
Additional amount required for Seigniorial Tenure Commission		1,000 00	
To pay for professional services in connection with Seigniorial Tenures		2,100 00	
			3,100 00
CIVIL GOVERNMENT.			
Department of Justice.			
For arrears of salary of Deputy Head, from 1st September, 1876, to 30th June, 1877		333 33	
Department of Justice (Penitentiaries Branch).			
Inspectors, Manitoba and British Columbia........		175 00	
Office of the Queen's Privy Council.			
Increase to salary of Private Secretary........		200 00	
			708 33
ADMINISTRATION OF JUSTICE.			
Increase of salary of Messenger, Supreme Court of Canada and Exchequer Court, from 19th January to 30th June, 1877, at $30 per annum		....	13 50
PENITENTIARIES.			
Kingston—Maintenance		6,762 63	
St Vincent de Paul:—			
Adjustment of salaries, and pay of additional officers	$1,807 29		
Maintenance........	9,487 17		
Tramway to quarries........	7,365 00		
		18,659 46	
St. John, N.B.—Maintenance........		2,150 00	
Manitoba:—			
Fencing, farming and garden implements	$ 350 00		
Expenses of removal to new Penitentiary........	1,000 00		
Rent of old Prison, from 1st May, 1876, to 1st February, 1877........	750 00		
Maintenance	2,000 00		
		4,100 00	
			31,672 09
Carried forward........		....	35,493 92

SCHEDULE A.

SCHEDULE A—*Continued.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	....	35,493 92
LEGISLATION.		
For salaries of Officers (additional) and contingencies of Library	....	3,835 00
ARTS, AGRICULTURE AND STATISTICS.		
To meet increased expenditure in connection with issue of Patent Record	1,500 00	
Expenses in connection with Exhibition at Sydney, N.S.W.	25,000 00	
		26,500 00
MILITIA.		
North-West Mounted Police:—		
Expenses connected with the concentration of the Mounted Police Force in the vicinity of the Boundary Line, rendered necessary by the disturbed condition of Indians in United States Territory	27,500 00	
To pay for four seven-pounder guns, carbines and ammunition, and for the transport thereof	6,250 00	
		33,750 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
RAILWAYS.		
Intercolonial Railway, Completion	200,000 00	
do Construction of 700 freight cars	370,000 00	
do Extension into Halifax (contribution to powder magazine)	20,000 00	
do Printing, &c., in connection with Petitions of Right in the Supreme Court	17,500 00	
CANALS.		
Lachine Canal	250,000 00	
Welland Canal	200,000 00	
Culbute Canal	25,000 00	
St. Peter's Canal	15,000 00	
Grenville Canal	30,000 00	
BUILDINGS		
Ottawa Buildings—Library	25,000 00	
Buildings at Forts McLeod, Walsh, Calgarry, Saskatchewan, Tail Creek, Qu'Appelle and Shoal Lake	15,000 00	
		1,167,500 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Income.*)		
IMPROVEMENT OF RIVERS.		
Removal of Beaver Rock, Victoria, B.C.	9,800 00	
Carried forward	9,800 00	1,267,078 92

SCHEDULE A.

SCHEDULE A—*Continued*

Service.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		9,800 00	1,267,078 92
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND BREAKWATERS.			
South Ingonish, Cape Breton, N.S		1,600 00	
Goderich, Lake Huron		32,000 00	
PUBLIC BUILDINGS.			
Furniture for house of Lieutenant-Governor, N.W.T		5,000 00	
RENTS, REPAIRS, ETC.			
Gas, Public Buildings, Ottawa		6,000 00	
			54,400 00
OCEAN AND RIVER STEAM SERVICE.			
Dominion Steamers.			
To provide for extraordinary expenditure incurred for this service		15,000 00	
To pay for repairs, maintenance and balance due for construction of "Northern Light"		16,000 00	
			31,000 00
LIGHTHOUSES AND COAST SERVICE.			
To provide additional amount required for maintenance, viz.:—amount expended in repairs at Amet Island Breakwater, N.S	7,275 00		
To replace buildings and fog-whistle at Digby, N.S, (destroyed by fire)	5,000 00		
Purchase of land at Point Pleasant, Ont	750 00		
do Isle à la Pierre	1,575 00		
Cost of building pier at Isle aux Prunes	1,000 00		
Excess of costs for repairs at St. Paul's Humane Establishment, N.S., over Estimates	2,400 00		
		18,000 00	
To provide amount required to complete construction of Lighthouses and Fog-whistles commenced in 1875 and 1876 (Re-vote)		39,000 00	
			57,000 00
FISHERIES.			
Further amount required for Fishery Overseers' salaries and disbursements		9,500 00	
Further amount required for Fish-breeding		8,000 00	
			17,500 00
Carried forward			1,426,978 92

SCHEDULE A.

SCHEDULE A.—*Concluded.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward..	....	1,426,978 92
MISCELLANEOUS.		
Miscellaneous Printing.. $5,750 00		
do for translating into French the Rules of the Supreme Court........................... 84 80	5,834 80	
Expenses in connection with the Grasshopper Relief Committee, Manitoba..	2,500 00	
To provide for the purchase of 350 copies of the Parliamentary Companion..	525 00	
To provide for expenditure in connection with the Survey of the Stickine River..	3,000 00	
To meet expenses already incurred and those which will probably yet have to be incurred before the termination of the current fiscal year, in the District of Keewatin..	12,000 00	
		23,859 80
COLLECTION OF REVENUES.		
EXCISE.		
Preventive Service..	....	2,500 00
WEIGHTS AND MEASURES		
To pay Deputy Inspectors' expenses incurred in distributing circulars containing information as to the operation of the Act..	....	2,000 00
INSPECTION OF STAPLES.		
To pay expenses of Boards of Examiners..	....	3,000 00
DOMINION LANDS.		
To meet expenses for this service:—		
Surveying certain Indian Reserves..	4,000 00	
Survey of Public Roads for Icelanders; also of a number of townships for the Icelandic Colony..	6,000 00	
Probable expenses of a Commission for the settlement of conflicting claims..	1,500 00	
Survey of nine certain roads or leading trails in the Province, pursuant to the Statute 39 Victoria, chapter 20..	1,000 00	
		12,500 00
UNPROVIDED ITEMS OF 1875-76.		
Vide Public Accounts, 1875-76, Part 2, page 370:		
Capital..	73,967 60	
Consolidated Fund..	80,589 67	
		154,557 27
Total..	....	1,625,395 99

SCHEDULE B.

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1878, and the purposes for which they are granted.

SERVICE.		Amount.	Total.
CHARGES OF MANAGEMENT.		$ cts.	$ cts.
Financial Inspector		2,600 00	
Office of Assistant Receiver-General, Toronto		8,000 00	
do do Montreal		5,500 00	
Auditor and do Halifax, N.S		10,000 00	
do do St. John, N.B		11,000 00	
do do Fort Garry		6,500 00	
do do Victoria, B.C		7,000 00	
do do Charlottetown, P.E.I		4,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia		12,000 00	
Seigniorial Tenure and Commission		2,500 00	
			69,100 00
CIVIL GOVERNMENT.			
Governor-General's Secretary's Office		7,950 00	
The Department of the Queen's Privy Council for Canada		15,000 00	
The Department of Justice		11,600 00	
do Penitentiary Branch		3,850 00	
The Department of Militia and Defence		35,750 00	
do Secretary of State		31,990 00	
do The Minister of the Interior		42,760 00	
do Receiver-General		21,050 00	
do Finance		49,800 00	
do Customs		28,450 00	
do Inland Revenue		26,967 50	
do Public Works		48,884 00	
Post Office Department		85,950 00	
Department of Agriculture		28,290 00	
do Marine and Fisheries		25,070 00	
Treasury Board Office		4,050 00	
Departmental Contingencies		170,000 00	
Stationery Office for Stationery		20,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or any other change		10,000 00	
Department of the Interior:— To provide for the salary of an Inspector of Indian Agencies, &c., with the rank of Chief Clerk of the second grade		1,800 00	
Department of the Secretary of State:—			
One 1st class Clerk	1,400 00		
One 3rd do	600 00		
		2,000 00	
Department of Agriculture:— Private Secretary		600 00	
			671,811 50
ADMINISTRATION OF JUSTICE.			
Miscellaneous Justice		20,000 00	
Travelling Expenses of Stipendiary Magistrates in the North-West Territories		4,500 00	
Circuit Allowances, British Columbia		15,000 00	
Carried forward		39,500 00	740,911 50

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	39,500 00	740,911 50
ADMINISTRATION OF JUSTICE—*Continued.*		
Circuit Allowances, Manitoba	1,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court	1,850 00	
Clerk of the Supreme Court of Canada and the Exchequer Court	425 00	
Messenger do do do	330 00	
Contingencies and Disbursements, including Judges' travelling expenses and printing and binding reports; also salaries of Officers to be appointed in the Supreme Court of Canada, and the Exchequer Court	8,000 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
do Marshal do do	333 34	
For the salary of one Stipendiary Magistrate or County Court Judge, to provide, if necessary, for the vacancy created by the death of the late A. T. Bushby, Esq	2,425 00	
		55,030
POLICE.		
Dominion Police	....	11,000 00
PENITENTIARIES.		
Kingston Penitentiary	127,167 57	
Rockwood Asylum	3,500 00	
Halifax Penitentiary, balances to be transferred to Dorchester Penitentiary, if required	28,824 63	
St. John Penitentiary, balances to be transferred to Dorchester Penitentiary if required	40,498 50	
St. Vincent de Paul Penitentiary	78,164 13	
Manitoba Penitentiary	14,389 77	
British Columbia Penitentiary	20,950 00	
		313,494 60
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	50,918 00	
House of Commons.		
Salaries, per Clerks' Estimate	59,850 00	
Expenses of Committees, Extra Sessional Clerks, &c	8,500 00	
Contingencies	20,100 00	
Publishing Debates	15,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	28,850 00	
Carried forward	183,218 00	1,120,436 10

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward..		183,218 00	1,120,436 10
LEGISLATION.—*Continued.*			
Miscellaneous.			
Grant to Parliamentary Library, including provision for Law Books...		10,000 00	
Printing, Binding and distributing the Laws..............................		14,900 00	
To meet the estimated expenses in connection with Consolidation of the Laws		8,000 00	
Printing, Printing-paper and Bookbinding..................................		70,000 00	
Contingencies of the Clerk of the Crown in Chancery..		1,200 00	
Miscellaneous printing		2,000 00	
Expenses of Committees, Extra Sessional Clerks, &c, House of Commons		4,500 00	
Salaries of Officers (additional), and contingencies of Library		3,500 00	
			297,318 00
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in connection with the care of Archives................		3,000 00	
do do Organization of the "Patent Record"		7,200 00	
do do Preparation of Criminal Statistics		5,000 00	
To provide for expenditure likely to be incurred in connection with the Exhibition to be held at Paris..		25,000 00	
			40.200 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and Employés..		26,550 00	
do Travelling Agents		13,000 00	
Medical Inspection of the Port of Quebec..................................		2,600 00	
Quarantine, Grosse Isle		12,000 00	
do St. John..		3,000 00	
do Pictou, N.S.		800 00	
do Halifax, N.S...		3,600 00	
do Charlottetown, P.E.I..................................		1,000 00	
To meet expenses of further precautionary measures for the public health		20,000 00	
Contingencies of Canadian and other regular agencies		24,000 00	
Travelling expenses of Travelling Agents		14,000 00	
Towards assisting immigration and immigration expenses, including estimated expenses of transport of Mennonites..........................		110,000 00	
			230,550 00
PENSIONS.			
Samuel Waller, late Clerk, House of Assembly..............................		400 00	
John Bright, Messenger do		80 00	
Mrs. Antrobus..		800 00	
New Militia Pensions:—			
Mrs. Caroline McEachern and four children.......	$265 00		
Rhoda Smith..	110 00		
Janet Anderson...	110 00		
Margaret Mackenzie...	80 00		
Carried forward...........................	565 00	1,280 00	1,688,504 10

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts
Brought forward	563 00	1,280 00	1,688,504 10
PENSIONS.—*Continued.*			
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prud'homme and two children	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S. King	400 00		
George A. Mackenzie	73 00		
Edward Hilder	146 00		
Fergus Scholfield	73 00		
John Bradley	109 50		
Richard Penticost	91 25		
James Bryan	109 50		
Jacob Stubbs	73 00		
Ensign W. Fahey	200 00		
Mary Connor	110 00		
Mary Hodgins and three children	191 00		
John Martin	110 00		
A. W. Stevenson	110 00		
Mrs. J. Thorburn	150 00		
Mrs. P. T. Worthington and children	378 00		
Mrs. J. H. Elliott and children	130 00		
Ellen Kirkpatrick and three children	266 00		
Mrs. George Prentice and children	400 00		
Mary Hannah Temple and child	298 00		
		5,632 25	
To meet the probable amount required for Pensions to Veterans of War of 1812		50,000 00	
Compensation to Pensioners in lieu of land		8,000 00	
			64,912 25
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff		28,600 00	
Salaries of Brigade Majors		20,000 00	
Allowances for Drill Instruction		40,000 00	
Ammunition	$40,000 00		
Clothing	40,000 00		
Military Stores	40,000 00		
		120,000 00	
Public Armouries and care of arms, including the pay of Storekeepers and Caretakers, Storemen, and the rents, fuel and light of Public Armouries		52,000 00	
Drill pay and all other incidental expenses connected with the Drill and Training of the Militia		155,000 00	
Contingencies and general service not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient Corps		45,000 00	
Drill Sheds and Rifle Ranges		10,000 00	
Carried forward		470,600 00	1,753,416 35

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	470,600 00	1,753,416 35
MILITIA.—*Continued.*		
EXTRAORDINARY.		
Care and maintenance of Military Properties transferred from the Ordnance and the Imperial Government, including rents	10,000 00	
SPECIAL.		
Pay, maintenance and equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery, Kingston and Quebec	115,000 00	
Military College	35,000 00	
Military Schools, Nova Scotia and New Brunswick	10,000 00	
Pay and maintenance of Dominion Forces in Manitoba	35,000 00	
Mounted Police, N. W. T.	306,356 50	
		981,956 50
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
RAILWAYS.		
Intercolonial Railway Completion	75,000 00	
do Extension into Halifax	75,000 00	
do To deep water at St. John, N.B.	100,000 00	
Pacific Railway	1,524,000 00	
do Survey and Engineering	100,000 00	
Prince Edward Island Railway including Stores	42,000 00	
Pacific Railway Survey	130,000 00	
do Construction—Pembina Branch Extension	60,000 00	
CANALS.		
For Works of Construction, viz. :—		
Lachine Canal	1,000,000 00	
Cornwall do	100,000 00	
Welland do	2,000,000 00	
St. Anne's Lock	40,000 00	
Carillon and Chute à Blondeau	120,000 00	
Improving approach to Culbute Canal	40,000 00	
St. Peter's Canal	80,000 00	
Miscellaneous work on Canals	10,000 00	
St. Lawrence Canals and Rapids	20,000 00	
St. Peter's Canal	49,500 00	
PUBLIC BUILDINGS, OTTAWA.		
Grounds 35,000 00		
Retaining walls, gates, footpaths, painting, &c. 2,600 00		
Extension, West Block 135,500 00	173,100 00	
Total chargeable to Capital		5,738,600 00
Carried forward		8,473,972 85

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			8,473,972 85
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS.			
Improvement of Navigable Rivers	10,000 00		
St. Lawrence, removal of Chains and Anchors	15,000 00		
Neebish Rapids, River St. Mary, Lake Huron	8,000 00		
Cowichan River, B.C., removal of Obstructions	1,500 00		
		34,500 00	
PUBLIC BUILDINGS.			
Ontario.			
Guelph Custom House, Excise and Post Office	2,000 00		
Kingston, Military College and Repairing Fortifications	40,000 00		
London Military Grounds, Fencing and Wood-sheds	3,500 00		
To pay for site for Ottawa Post Office, Custom House and Inland Revenue Office	7,000 00		
Quebec.			
Repairing Fortifications, Quebec	20,000 00		
Examining Warehouse, Montreal	17,000 00		
Quarantine Station Grosse Isle	3,000 00		
Post Office and Customs House accommodation, St. John, P.Q	4,000 00		
North-West Territories.			
Lieutenant-Governor's residence, Registry Office and three dwelling houses for officials	21,000 00		
Mounted Police Buildings and River Crossings	9,000 00		
British Columbia.			
Public Buildings, repairs	1,000 00		
Custom House Store House Wharf, Victoria	5,000 00		
Public Buildings generally	20,000 00		
		152,500 00	
PENITENTIARIES.			
General Penitentiary for the Maritime Provinces	117,000 00		
St. Vincent de Paul	16,000 00		
British Columbia Penitentiary	7,000 00		
		140,000 00	
Carried forward		327,000 00	8,473,972 85

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		327,000 00	8,473,972 85
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
RENTS, REPAIRS, &C.			
Rents, Repairs, Furniture and Heating, &c	170,000 00		
Heating Public Buildings	40,000 00		
Removal of Snow, Public Buildings, Ottawa	1,800 00		
Gas, Public Buildings, Ottawa	16,000 00		
Allowance for Fuel and Light, Rideau Hall	5,000 00		
		232,800 00	
HARBOURS AND BREAKWATERS.			
Ontario.			
Kincardine Harbour, Lake Huron	12,000 00		
Trenton, including Nigger Island, Bay of Quinté, Lake Ontario	4,000 00		
Newcastle Harbour, Lake Ontario	5,000 00		
Morpeth, Lake Erie (locality to pay a similar amount)	7,500 00		
Quebec.			
Lower St. Lawrence, repairing various breakwaters	20,000 00		
St. Jean Port Joli Pier (municipality furnishing an equal amount)	2,000 00		
New Brunswick.			
St. John Harbour	80,000 00		
Clifton, Gloucester Co. (locality furnishing an equal amount)	9,000 00		
Grand Anse, Gloucester Co	1,000 00		
Shippegan Breakwater, Gloucester Co	7,000 00		
Campobello (Wilson's Beach)	1,000 00		
Nova Scotia.			
Antigonish, Antigonish Co	5,000 00		
McNair's Cove do	5,000 00		
White Point, Queens Co	3,500 00		
Jordan Bay, Shelburne Co	2,000 00		
Meteghan Cove, Digby Co	3,000 00		
Belliveau Cove	3,000 00		
General Repairs	10,000 00		
Prince Edward Island.			
Colville Bay (Souris)	20,000 00		
Malpeque Breakwater	10,000 00		
St. Peter's Bay, Kings Co	5,000 00		
		215,000 00	
SLIDES AND BOOMS		5,000 00	
Carried forward		779,800 00	8,473,972 85

SCHEDULE B

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		779,800 00	8,473,972 85
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
Dredging.			
Dredge Vessels	22,000 00		
Dredging	92,000 00		
		114,000 00	
Miscellaneous.			
Miscellaneous Works not otherwise provided for		10,000 00	
Surveys and Inspections		45,000 00	
Arbitrations and Awards		15,000 00	
Total, Chargeable to Income			963,800 00
OCEAN AND RIVER SERVICE.			
Dominion Steamers.			
Maintenance and repairs of Steamers, "Napoleon III," "Newfield," "Druid," "Glendon" and "Sir James Douglas"		100.000 00	
Mail Subsidies.			
Steam communication between Halifax and St. John, *via* Yarmouth	10,000 00		
Steam communication on Lakes Huron and Superior	12,500 00		
Steam Service between San Francisco and Victoria, B.C.	54,000 00		
Steam Communication with the Magdalen Islands	4,200 00		
Winter Service by steamer between Prince Edward Island and the Mainland	20,000 00		
Steam communication between Nova Scotia and St. Pierre	5,000 00		
Steam communication between Grand Manan Island, N.B., and the Mainland	1,500 00		
To provide for Mail Subsidy between Halifax and Cork, if necessary	39,541 67		
		146,741 67	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of Life Boats, Life Preservers and Rewards for Saving Life		4,000 00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to Disasters to Shipping		500 00	
Expenses in connection with Canadian Register and Classification of Shipping		500 00	
Montreal Water Police		14,090 00	
River Police, Quebec		23,500 00	
Removal of Obstructions in Navigable Rivers		500 00	294,081 67
LIGHTHOUSE AND COAST SERVICE.			
Salaries and Allowances of Lighthouse-Keepers		146,881 00	
Maintenance and Repairs		253,263 00	
For Completion and Construction of Lighthouses and Fog Alarms		30,000 00	
Towards possible additional construction of Lighthouses and Fog-whistles		30,000 00	
			460,144 00
Carried forward			10,191,998 52

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			10,191,998 52
FISHERIES.			
Salaries and Disbursements of Fishery Overseers and Wardens:—			
Ontario	11,600 00		
Quebec	11,500 00		
Nova Scotia, including Inspector and Clerk	14,400 00		
New Brunswick do	10,130 00		
Prince Edward Island	1,740 00		
Manitoba	200 00		
British Columbia	1,000 00		
		50,570 00	
Maintenance and repairs of Steamer for protection of Fisheries		20,000 00	
Fish-breeding, Fishways and Oyster Beds		20,000 00	
			90,570 00
GEOLOGICAL SURVEY AND OBSERVATORIES.			
Observatory, Quebec		2,400 00	
do Toronto		4,800 00	
do Kingston		500 00	
do Montreal		500 00	
do New Brunswick		850 00	
Grant for Meteorological Observatories, including Instruments and cost of telegraphing Weather Warnings		37,000 00	
Geological Survey		50,000 00	
To aid in the construction of a telegraph line from Matane to Fox River		10,000 00	
			106,050 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN			
MARINE HOSPITALS.			
Marine and Emigrant Hospital, Quebec		20,000 00	
Montreal General Hospital	3,000 00		
Other Ports in Quebec	2,000 00		
		5,000 00	
St. Catharines Hospital, Ontario	500 00		
Kingston do do	500 00		
		1,000 00	
Halifax General Hospital	3,500 00		
Other Ports in Nova Scotia	10,000 00		
		13,500 00	
Hospital of St. John	4,000 00		
Other Ports in New Brunswick	7,750 00		
		11,750 00	
Ports in British Columbia		3,000 00	
Ports in Prince Edward Island		2,000 00	
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.			
Province of Quebec		1,000 00	
do Nova Scotia		2,000 00	
do New Brunswick		1,000 00	
do British Columbia		1,000 00	
do Prince Edward Island		500 00	
To re-imburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion		3,000 00	
			64,750 00
Carried forward			10,453,368 52

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		10,453,368 52
STEAMBOAT INSPECTIONS.		
Salaries.		
Chairman	1,800 00	
Deputy Chairman	1,400 00	
Inspector, Toronto District	1,200 00	
do Three Rivers District	1,000 00	
do Quebec District	1,000 00	
do East Ontario District	1,000 00	
do Montreal	1,200 00	
do British Columbia	750 00	
Travelling expenses of Chairman, and expenses in connection with steamboat inspection	1,100 00	
Clerk to Inspection	300 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia, and contingencies of Office	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of Office	430 00	
Travelling expenses of Inspector, Three Rivers	125 00	
do do Quebec	210 00	
do do East Ontario	260 00	
do do Montreal	250 00	
Salary and travelling expenses of Inspector, Manitoba	200 00	
For purchase of instruments and steam gauges	210 00	
To provide travelling expenses of Inspector, British Columbia	750 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French	640 00	
Expenses in connection with remeasurement of steamers in inland waters	800 00	
		15,450 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies		6,000 00
INDIANS.		
Indians, Quebec	2,200 00	
Purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Indians of Nova Scotia, relief, &c	4,500 00	
Indians of New Brunswick, relief, &c	4,500 00	
Indians of Prince Edward Island, relief, &c	2,000 00	
Indians of British Columbia:—		
Victoria Superintendency ... $13,200 00		
Fraser do ... 17,000 00		
Estimated cost of Land Commissions and Surveys in both Superintendencies ... 27,000 00		
	57,200 00	
Carried forward	72,000 00	10,474,818 52

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	72,000 00	10,474,818 52
INDIANS.—*Continued.*		
Manitoba and the North-West, for the following purposes :—		
Manitoba Superintendency.		
Annuities under Treaties Nos. 1 and 2	24,205 00	
do do 3	18,010 00	
do do 5	15,630 00	
Agricultural implements, ammunition, twine, farming stock and tools furnished under the above-mentioned Treaties Nos. 1 and 2	8,000 00	
do do do 3	7,500 00	
do do do 5	5,500 00	
Provisions for Indians assembled to receive annuities under the above-mentioned Treaties	13,000 00	
Salaries and office expenses	18,200 00	
To provide for the payment of salaries to certain medical officers within that superintendency	4,000 00	
North-West Superintendency.		
Annuities under Treaty No. 4	21,745 00	
do do 6	48,150 00	
Agricultural implements, ammunition, &c., under Treaties Nos. 4 and 6	27,236 00	
Provisions for Indians assembled to receive annuities under Treaties Nos. 4 and 6	16,400 00	
Salaries and office expenses	17,000 00	
Probable cost in connection with new Treaties	60,000 00	
Manitoba and the North-West.		
To provide for such expenses as may be incurred in prosecuting the Survey of Indian Reserves during the year	15,000 00	
To provide for the purchase of seed grain and implements of husbandry, to be given to bands of Sioux Indians in the neighborhood of the Qu'Appelle Lakes	3,000 00	
Miscellaneous Expenditure.		
To aid Indian Schools in Ontario and Quebec where most required	5,000 00	
To bring up the annuities payable under the Robinson Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to $4 per head	11,000 00	
		410,576 00
MISCELLANEOUS.		
Canada *Gazette*	4,000 00	
Miscellaneous printing	8,000 00	
Unforeseen expenses; expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next Session	50,000 00	
Carried forward	62,000 00	10,885,394 52

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		62,000 00	10,883,394 52
MISCELLANEOUS.—*Continued.*			
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy		12,000 00	
For the organization of Government in the North-West Territories and Keewatin		22,000 00	
Miscellaneous printing		2,000 00	
To provide for the expenditure likely to be incurred in connection with the proposed visit of His Excellency the Governor-General to Manitoba		8,000 00	
Towards paying cost of enquiries respecting disposal of saw-dust and mill-rubbish in navigable waters		600 00	
To meet expenses of Halifax Commission		30,000 00	
			136,600 00
COLLECTION OF REVENUES.			
Customs.			
Salaries and Contingent Expenses of the Several Ports.			
In Province of Ontario	$218,580 00		
do Quebec	202,468 00		
do New Brunswick	92,448 00		
do Nova Scotia	104,257 00		
do Manitoba and North-West Territories	11,454 00		
do British Columbia	22,174 00		
do Prince Edward Island	23,586 00		
Salaries and travelling expenses of Inspectors of Ports and travelling expenses of other Officers on Inspection	16,000 00		
Contingencies of Head Office, covering blank books, printing, stationery, &c., for the several Ports of Entry	15,000 00		
		705,967 00	
Excise.			
Salaries of Officers and Inspectors of Excise	$184,000 00		
Travelling expenses, rent, fuel, stationery, &c.	45,000 00		
Preventive Service	3,000 00		
To provide for payment of additional salary to special class of Excisemen	800 00		
To provide for additions to Outside Service	5,000 00		
To pay Collectors of Customs allowances on duties collected by them	2,000 00		
Preventive Service	2,500 00		
		242,300 00	
Culling Timber.			
Quebec Office.			
Supervisor	2,000 00		
Deputy Supervisor and Bookkeeper	1,600 00		
Cashier	1,200 00		
Specification Clerks	1,900 00		
Messenger	400 00		
Carried forward	7,100 00	948,267 00	11,021,994 52

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,100 00	948,267 00	11,021,994 52
COLLECTION OF REVENUES.—*Continued.*			
CULLING TIMBER.—*Continued.*			
Quebec Office.—Continued.			
Specification Clerks, viz.: 8 months—1 at $1000; do 2 " 700; do 4 " 600; do 2 " 500	5,800 00		
Pay of Cullers	57,000 00		
Contingencies	5,000 00		
Montreal Office.			
Deputy Supervisor	800 00		
Book-keeper; Specification Clerks	1,000 00		
Pay of Cullers	4,000 00		
Contingencies	300 00		
		81,000 00	
WEIGHTS AND MEASURES AND GAS.			
Equipment and Inspection.			
Furniture, and means of heating 87 Weights and Measures Offices	6,090 00		
Furniture, and means of heating 31 Gas Offices	1,120 00		
Salaries of Deputy Inspectors of Weights and Measures	52,000 00		
Salaries of Gas Inspectors	10,650 00		
Rents of 87 Weights and Measures Offices	8,500 00		
Rents of 31 Gas Offices	2,420 00		
Contingencies for Weights and Measures and Gas, such as travelling expenses, fuel, &c.	20,000 00		
To provide for the travelling expenses, rent and salaries of Inspectors, P.E.I.	3,100 00		
To provide for additional Inspection Divisions	3,000 00		
		106,880 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of Standards of Flour, &c., and for other expenditure under the Act		1,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act 37 Victoria, chapter 8 (will be mainly recouped by Fees)		10,000 00	
Carried forward		1,147,147 00	11,021,994 52

SCHEDULE B.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,147,147 00	11,021,994 52
COLLECTION OF REVENUES.—*Continued.*			
PUBLIC WORKS.			
Maintenance and Repairs.			
Salaries and Contingencies of Canal Officers	25,170 00		
Collection of Slide and Boom Dues	20,245 00		
Repairs and working expenses of above	366,500 00		
Intercolonial and other Government Railways in Nova Scotia and New Brunswick } Intercolonial Railway, Quebec }	1,600,000 00		
Railway, Prince Edward Island	200,000 00		
Telegraph Lines, British Columbia (including subsidy)	36,720 00		
do between Prince Edward Island and the Mainland	2,000 00		
Agent and Contingencies, British Columbia	4,000 00		
		2,264,635 00	
POST OFFICE.			
For Ontario	773,000 00		
Quebec	473,900 00		
New Brunswick	172,300 00		
Nova Scotia	191,600 00		
Prince Edward Island	46,000 00		
Manitoba	24,000 00		
British Columbia	79,000 00		
North-West Territory	10,000 00		
		1,769,800 00	
DOMINION LANDS.			
Surveys of Land, North-West (including Commission and Staff)	60,000 00		
To provide for further expenditure in this service, viz.:—			
Surveying remaining portion of boundaries of Manitoba	4,000 00		
Survey of Battleford	3,000 00		
Fixing the precise latitude and longitude of some point in the N. W. T. to facilitate systematic extension of surveys	2,500 00		
Copies of Maps	1,000 00		
Surveying of leading post trail or stage route from Manitoba to Battleford	2,500 00		
		73,000 00	
MINOR REVENUES.			
To defray expenses connected with Minor Revenues		10,000 00	
			5,264,582 00
Total			16,286,576 52

CHAP.

CHAP. 2.

An Act respecting the Act further securing the Independence of Parliament.

[*Assented to 28th April*, 1877.]

WHEREAS several persons who have, since the passing of the Act thirty-one Victoria, chapter twenty-five, intituled "*An Act further securing the Independence of Parliament*," been elected as members of the House of Commons, acting in the *bonâ fide* belief that they were or continued to be qualified and capable of sitting and voting as members thereof, may have by sitting or voting therein unwittingly rendered themselves liable to pecuniary penalties or forfeitures under the provisions of the said Act; and whereas it is proper to relieve such persons from such pecuniary penalties or forfeitures: Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 31 V. c. 25.

1. Any person who has, at any time since the passing of the said Act, been elected a member of the House of Commons, and who, acting under the *bonâ fide* belief that he was or continued to be qualified and capable of sitting or voting as a member thereof, has sat or voted therein, shall be and is hereby indemnified, exonerated, freed and discharged from all pecuniary penalties or forfeitures whatsoever (if any) which may have been incurred by him by reason of having so sat or voted at any time up to the end of the present Session of Parliament. Indemnification for having sat or voted under the *bonâ fide* belief of qualification.

2. This Act may be pleaded as a bar and discharge to any action, suit or proceeding pending or which may be brought against any such person, for any such pecuniary penalty or forfeiture as aforesaid. This Act to be a bar to suits for penalty.

3. Nothing in this Act contained shall be held in any wise to indemnify, exonerate, free or discharge any person from any pecuniary penalty or forfeiture, if any, to which he may render himself liable by sitting or voting in the House of Commons at any time after the end of the present Session of Parliament. Not to apply to offences committed after present Session.

4. Nothing in this Act contained shall be held to affect any subsisting disqualification or incapacity to sit or vote in the House of Commons, or to validate any void election thereto, or to affect the vacation of any seat therein, or in any wise to interfere with the operation of the fifth section of the said Act. Nor to affect any then subsisting disqualification.

CHAP.

CHAP. 3.

An Act respecting the Great Seals of the Provinces of Canada, other than Ontario and Quebec.

[*Assented to* 28*th April*, 1877.]

Preamble.

WHEREAS doubts have arisen as to the power of appointing and altering the Great Seals of the Provinces other than Ontario and Quebec, and also as to the validity of instruments sealed with the Seal heretofore used as the Great Seal of the Province of Nova Scotia; and whereas it is right that all the Provinces should be upon the same footing with respect to their Great Seals; And whereas the Legislature of the Province of Nova Scotia has passed an Act empowering the Lieutenant-Governor in Council to alter the Great Seal, and also an Act validating all instruments sealed with the seal heretofore used as the Great Seal; and whereas the Legislative Council and Assembly of Nova Scotia have passed Addresses to Her Majesty, praying for legislation in the Parliament of the United Kingdom to the same intent; and whereas it is expedient, so far as the Parliament of Canada may have power to act in the premises, to remove the said doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows:—

Lieutenant Governors in Council may appoint and alter Great Seals.

1. The Lieutenant-Governor of each Province in Council has the power of appointing and of altering from time to time the Great Seal of the Province.

Instruments bearing former Great Seal of Nova Scotia valid.

2. All instruments sealed with the seal heretofore used as the Great Seal of the Province of Nova Scotia are hereby declared to have been and to be legal and valid, notwithstanding any doubt which may exist as to such seal being the Great Seal.

CHAP

CHAP. 4.

An Act to extend to the Province of Prince Edward Island, certain Criminal Laws now in force in other Provinces of Canada.

[*Assented to 28th April*, 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The Acts of the Parliament of Canada passed in former Sessions of the said Parliament, and mentioned in the Schedule to this Act, are and each of them is hereby extended to and shall have force and effect of law within the Province of Prince Edward Island, save and except so far only as any provision of any such Act may be therein declared to be applicable to one or more only of the Provinces composing the Dominion at the time of the passing of such Act and mentioned therein. **Acts in the Schedule extended to Prince Edward Island.**

2. In case any of the said Acts, or any enactment or provision therein, has force and effect in relation to one of the Provinces comprising the Dominion at the time of its passing, in a sense peculiar to that Province and different from the sense in which it has force and effect in relation to all the said Provinces as a whole, such Act, enactment or provision shall have force and effect within and in relation to the said Province of Prince Edward Island, in the last mentioned sense only. **Such Acts to have effect in Prince Edward Island as in all the Provinces of Canada as a whole.**

3. Nothing in this Act shall be construed as a declaration that any of the said Acts or any part thereof, had not, or has not or would not have, without the passing of this Act, force or effect in or in relation to the Province of Prince Edward Island. **As to effect of the passing of this Act.**

4. Nothing in this Act shall be construed to give a retroactive effect to any of the Acts hereby extended to the said Province, or to any enactment or provision therein, so as to make any act done before it comes into force a crime or offence if it would not be so without this Act, or to alter the punishment for any crime or offence committed before it comes into force; but the trial for such crime or offence, and the procedure respecting it after the said time, shall be had or continued under the provisions of the Acts hereby extended in and by the court, magistrate or tribunal, in or before which the case may be pending: and the Supreme Court of the said Province, and other courts, or magistrates and tribunals now existing or hereafter to be constituted by the Legislature **Acts extended not to have a retroactive effect.** **Power of existing Courts to try offenders un-**

der the Acts extended.

Legislature of the said Province for the trial of treasons, felonies, or indictable or other offences respectively, shall have power to hear, try and determine treasons, felonies or indictable or other offences of the like classes respectively, under the Acts hereby extended to the said Province. Any Judge of the Supreme Court or County Court shall have power to order the admission of an accused party to bail under sections fifty-three and sixty-one of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with indictable offences*;" and generally any power vested by any of the Acts hereby extended in any court, magistrate or tribunal, may be exercised respectively by any court, magistrate or tribunal of like name or kind in the said Province.

Who may bail offenders under 32-33 V., c. 30.

General powers of courts, &c.

Provision in the absence of a Penitentiary in the Province.

5. In the absence of any penitentiary building in the said Province, any common gaol or other place of confinement therein, shall be held to be a penitentiary for the confinement and reformation of persons, male or female, lawfully convicted of crime before any court in the said Province, and sentenced to imprisonment for life or for a term of not less than two years, and such offender shall be imprisoned therein accordingly: Provided always, that whenever the building to be constructed for a joint penitentiary of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island shall be completed, and the Governor in Council shall have declared by proclamation to be published in the *Canada Gazette*, that such building and any tract of land (within either of the said Provinces) thereunto attached, shall upon, from and after a day named in such proclamation, be a penitentiary, the same shall, from and after the said day, be the penitentiary for the said Province of Prince Edward Island (as well as for the other said Provinces) and offenders thereafter sentenced in the said Province to imprisonment for life or for a term of two years or more, shall be imprisoned and undergo their sentence therein, and the provisions of the Acts hereby extended, or any of them, respecting the conveyance of convicts from the place of conviction to the penitentiary and their delivery to and reception by the warden thereof, shall extend and apply to persons convicted in the said Province and liable to imprisonment in the said penitentiary; and convicts imprisoned before the said day in any common gaol or place of confinement in the said Province under sentence of imprisonment, whether under any Act hereby extended to the said Province or under any Act before such extension in force therein, for life or for a term of more than two years, and of which not less than two years shall then be unexpired, may, under such provisions as aforesaid respecting their conveyance and such further orders as the Governor may make, be removed to

As to convicts imprisoned before this Act comes into force.

to the said penitentiary and undergo the remainder of their respective sentences therein, or of the term to which they may have been commuted.

6. Any appeal to the General or Quarter Sessions of the Peace, from any conviction by or order of a Justice of the Peace, given by the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" or by the Act amending it, passed in the thirty-third year of Her Majesty's reign, and intituled :—"*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" shall, in the said Province, lie to the Supreme Court at the sitting thereof held next after the expiration of twelve days from the time when such conviction was had, or such order made; the proceedings prior to the appeal being governed by the Act hereby extended to the said Province and first mentioned in this section.

As to appeals under Acts extended.

32-33 V., c. 31.

33 V., c. 27.

7. Any return of the convictions before any Justice or Justices of the Peace, required by the seventy-sixth section of the Act first-mentioned in the next preceding section, to be made to the Clerk of the Peace or other proper officer, shall be made to the Clerk of the Court of Assize for the county, at and up to the twelfth day next before the sitting of the said Court next after such convictions respectively, and shall be dealt with by the said Clerk of Assize in the manner provided by the eightieth and eighty-first sections of the said Act.

Returns of convictions, to whom to be made.

8. Fines collected under the "*Act respecting the prompt and ummary administration of Criminal Justice in certain cases*" and also under the "*Act respecting the trial and punishment of Juvenile Offenders*" shall be paid over to the Provincial Secretary and Treasurer.

Appropriation of fines under Acts of 32-33 V., cc. 32 and 33.

9. So much of every law in force in the Province of Prince Edward Island at the time of the coming into force of this Act, as is inconsistent with or repugnant to any of the enactments or provisions of this Act, or of any Act hereby extended to the said Province, or makes any provision in any matter provided for by the said enactments or provisions, is hereby repealed from and after the said time; but such repeal shall not affect the past operation of any such law, or the validity of anything already done, or of any judgment or order pronounced or made, or any right, title, obligation or liability then accrued, or any penalty, forfeiture or punishment incurred under such law before such repeal.

Repeal of enactments in Provincial Acts inconsistent with those of Acts hereby extended.

Proviso.

10. This Act shall commence and take effect upon, from and after the first day of April, in the year of Our Lord, one thousand eight hundred and seventy-eight.

Commencement of Act.

SCHEDULE.

SCHEDULE.

Acts of the Parliament of Canada referred to in the first section of this Act.

Chapter.	TITLE.
	Acts passed in the First Session, 31 *Victoria,* 1867, 1868.
14	An Act to protect the inhabitants of Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. *As amended by* 32 33 *Victoria, chapter* 17.
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors of indictable offences.
73	An Act respecting Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. *As amended by* 33 *Victoria, chapter* 25.
	Acts passed in the Second Session, 32-33 *Victoria,* 1869.
17	An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person. *As amended by* 36 *Victoria, chapter* 50.
21	An Act respecting Larceny and other similar offences. *As amended by* 35 *Victoria, chapters* 33 *and* 35, *and* 38 *Victoria, chapter* 40.
22	An Act respecting Malicious Injuries to Property. *As amended by* 35 *Victoria, chapter* 34.
23	An Act respecting Perjury. *As amended by* 33 *Victoria, chapter* 26.
24	An Act for the better preservation of the Peace in the vicinity of Public Works. *As amended by* 33 *Victoria, chapter* 28, *and* 38 *Victoria, chapter* 38.
25	An Act respecting certain offences relative to Her Majesty's Army and Navy.
26	An Act for the better protection of Her Majesty's Military and Naval Stores.
27	An Act respecting Cruelty to Animals. *As amended by* 33 *Victoria, chapter* 29.
28	An Act respecting Vagrants. *As amended by* 37 *Victoria, chapter* 43.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. *As amended by* 36 *Victoria, chapters* 3 *and* 51, *and* 39 *Victoria, chapter* 36.
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

SCHEDULE

SCHEDULE—*Continued.*

Chapter.	TITLE.
31	An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. *As amended by* 33 *Victoria, chapter* 27, *and* 36 *Victoria, chapter* 58.
32	An Act respecting the prompt and summary administration of criminal justice in certain cases. *In applying this Act to Prince Edward Island, the expression "competent magistrate" shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.*
33	An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to Prince Edward Island, the expression "any two or more Justices," shall be construed as including any magistrate having the powers of two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years and upwards, and it shall not be necessary that the recognizance be transmitted to any Clerk of the Peace.*
	Acts passed in the Third Session, 33 *Victoria,* 1870.
25	An Act to amend the Act respecting the extradition of certain offenders to the United States of America.
26	An Act to amend the Act respecting Perjury.
27	An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.
28	An Act to amend an Act for the better preservation of the Peace in the vicinity of Public Works.
29	An Act to amend an Act respecting Cruelty to Animals.
31	An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.
	Acts passed in the Fifth Session, 35 *Victoria,* 1872.
31	An Act to amend the Criminal Law relating to Violence, Threats and Molestation. *As amended by* 38 *Victoria, chapter* 39, *and* 39 *Victoria, chapter* 37.
32	An Act to amend the law relating to the Fraudulent Marking of Merchandise.
33	An Act for the avoidance of doubts respecting Larceny of Stamps.
34	An Act to correct a clerical error in the Act respecting Malicious Injuries to Property.
35	An Act to amend the law relating to Advertisements respecting Stolen Goods.
	Acts passed in the Sixth Session, 36 *Victoria,* 1873.
3	An Act to amend the Act respecting Procedure in Criminal Cases.
50	An Act to amend the Act respecting Offences against the Person.
51	An Act further to amend the law respecting certain matters of Procedure in Criminal Cases.
58	An Act to amend the Acts for more effectually preventing the desertion of Seamen, and for other purposes. *The Second Section only.*
	Acts passed in the Seventh Session, 37 *Victoria,* 1874.
37	An Act for the suppression of Voluntary and Extra-judicial Oaths.
38	An Act respecting the crime of Libel.
43	An Act to amend an Act respecting Vagrants.

SCHEDULE.

SCHEDULE—*Continued.*

Chapter	TITLE.
	Acts passed in the Eighth Session, 38 Victoria, 1875.
38	An Act to amend the Acts for the better preservation of the Peace in the vicinity of Public Works.
39	An Act to amend the provisions of "An Act to amend the Criminal Law relating to Violence, Threats and Molestation."
40	An Act to amend the Act, intituled: "An Act respecting Larceny and other similar offences."
	Acts passed in the Ninth Session, 39 Victoria, 1876.
36	An Act respecting the attendance of Witnesses on Criminal Trials.
37	An Act to amend the Criminal Law relating to Violence, Threats and Molestation.
	Acts passed in the present Session, 40 Victoria, 1877.
	Any Act amending any of the Acts mentioned in this Schedule.

CHAP. 5.

An Act to extend the Act respecting Trade Marks and Industrial Designs to the Provinces of British Columbia and Prince Edward Island.

[*Assented to 28th April, 1877.*]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 31 V. c. 55 extended to British Columbia and Prince Edward Island.

1. Upon, from and after the passing of this Act, the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting Trade Marks and Industrial Designs,*" shall extend and apply to the Provinces of British Columbia and Prince Edward Island respectively; and the exclusive right acquired or to be acquired, under the said Act, to the use of any Trade Mark, shall extend over the said Provinces, and the right so acquired or to be acquired to the exclusive use of any Industrial Design shall extend over the said Provinces during the remainder of the term for which it was so acquired with respect to the Provinces to which the said Act then extended; saving always, in either case, the right of any person in either of the said Provinces to use any such Trade Mark, or to use during the remainder of such term, any Industrial Design, which mark or design he may have lawfully and continuously used in his trade or business, in such Province, during at least three months before the passing of this Act.

Saving acquired rights.

CHAP.

CHAP. 6

An Act respecting the boundaries of the Province of Manitoba.

[*Assented to 28th April*, 1877.]

WHEREAS by section one of the Act thirty-third Victoria, chapter three, intituled "*An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba,*" the boundaries of the said Province are defined as follows, that is to say:—"Commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude; thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude; thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude; thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees of west longitude; thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning:" And whereas the boundaries of the Province, as above described, upon the east and west converge as they extend northward from the forty-ninth parallel and do not correspond with the system of rectangular survey which has been adopted in the said Province and the North-West Territories; And whereas it is expedient, in order to facilitate the correct registration of titles to real estate in the said Province, as also in the adjoining District of Keewatin and the North-West Territories respectively, that the limits of the Province should be altered as hereinafter described; And whereas, by the Act of the Imperial Parliament thirty-fourth and thirty-fifth Victoria, chapter twenty-eight, intituled "*An Act, respecting the establishment of Provinces in the Dominion of Canada,*" the Parliament of Canada is empowered, with the consent of the Legislature of any Province, to alter the limits thereof; and whereas the Legislature of Manitoba has consented to the alteration of the boundaries of the said Province as hereinafter made upon condition that the Government of Canada will complete the survey of the boundaries of the Province upon the east and upon the north; and whereas the Parliament of Canada assents to this condition: Therefore Her Majesty, by and with the advice and consent

Preamble.

33 V. c. 3, cited.

Boundaries of Manitoba by that Act.

Imperial Act, 34, 35 V. c. 28

consent of the Senate and House of Commons of Canada, enacts as follows :—

Former boundaries repealed and new boundaries described.

1. All that portion of section one of the above recited Act, thirty-third Victoria, chapter three, setting forth, as therein described, the boundaries of the Province of Manitoba, is hereby repealed, and the following is substituted in lieu thereof, and is intended to describe the true boundaries of the Province, that is to say :—Commencing at the intersection of the International Boundary or forty-ninth parallel of north latitude, by the westerly boundary of township number one in the twelfth range west of the principal meridian in Manitoba; thence due north, following the westerly boundary, respectively, of townships one and two, to the intersection thereof by the southerly limit of the road allowance on the first correction line; thence due west along the latter to the intersection thereof by the westerly limit of township three in the aforesaid twelfth range west; thence due north following the westerly limit respectively, of townships three, four, five and six in the said twelfth range to the southerly limit of the road allowance on the second correction line; thence westerly upon the latter to the intersection thereof by the westerly limit of township seven in the aforesaid twelfth range; thence due north upon the westerly limit respectively of townships seven, eight, nine and ten, to the southerly limit of the road allowance on the third correction line; thence due west along the latter to the intersection thereof by the westerly limit of township eleven in the said twelfth range west of the principal meridian; thence due north along the westerly limit respectively, of townships eleven, twelve, thirteen and fourteen, to the southerly limit of the road allowance on the fourth correction line; thence westerly along the latter to the intersection thereof by the westerly limit of township fifteen in the said twelfth range west of the principal meridian; thence due north along the westerly limit respectively of townships fifteen, sixteen and seventeen, in the said twelfth range west to the southerly limit of the road allowance, the northerly boundary of the said township number seventeen; thence due east following the said southerly limit of the road allowance between townships seventeen and eighteen in the system of Dominion land surveys, (the said line crossing Lakes Manitoba and Winnipeg) to the easterly boundary of township seventeen in the tenth range east of the principal meridian; thence due south along the easterly boundary, respectively, of townships seventeen, sixteen and fifteen to the southerly limit of the road allowance on the fourth correction line; thence due west along the latter to its intersection by the easterly limit of township fourteen in the aforesaid tenth range east; thence due south along the easterly limit, respectively, of townships fourteen, thirteen, twelve, and eleven, to its intersection

tion with the southerly limit of the road allowance on the third correction line; thence due west along the latter to its intersection with the easterly limit of township ten in the said tenth range east; thence due south along the easterly limit, respectively of townships ten, nine, eight and seven, to the intersection thereof by the southerly limit of the road allowance on the second correction line, thence due west along the latter to its intersection with the easterly limit of township six in the said tenth range east of the principal meridian; thence due south along the easterly limit, respectively, of townships six, five, four and three, to the intersection thereof, by the southerly limit of the road allowance on the first correction line; thence due west along the latter to its intersection with the easterly limit of township two in the said tenth range east; thence due south along the easterly limit, respectively, of townships two and one, to the intersection thereof, by the forty-ninth parallel of north latitude or the International Boundary line aforesaid; and thence due west following upon the said forty-ninth parallel of north latitude, or the International Boundary line, to the place of beginning.

2. The District of Keewatin shall be bounded on the west, and the Northwest Territories shall be bounded on the east, by the Province of Manitoba as hereinbefore defined, the said District and Territories remaining bounded on the south by the Province of Manitoba as heretofore. **Keewatin and N. W. Territories how bounded.**

CHAP. 7.

An Act to amend the "North-West Territories Act, 1875."

[*Assented to* 28*th April*, 1877.]

IN amendment of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the laws respecting the North-West Territories*"; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble. 38. V. c. 49.**

1. The second section of the said Act is hereby amended by repealing sub-section two and inserting the following sub-sections:— **Section two amended.**

"2. The Governor in Council may, from time to time, appoint an Administrator to execute the office and functions of the Lieutenant-Governor during his absence, illness or other inability. **Administrator may be appointed.**

Lieutenant-Governor or Administrator to take oath of office.

"3. Every Lieutenant-Governor or Administrator so appointed shall, before assuming the duties of his office, take and subscribe before the Governor General or some person duly authorized to administer such oaths, an oath of allegiance or office similar to those prescribed to be taken by a Lieutenant-Governor under "*The British North America Act*, 1867."

Section three repealed.

2. The third section of the said Act is repealed, and the following substituted for it:—

New section substituted. Appointment of Council.

"**3.** The Governor General with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons, from time to time, not exceeding in the whole six persons, of which number the Stipendiary Magistrates hereinafter mentioned shall *ex officio*, form part, to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories: Before entering upon the duties of their offices, the persons so appointed shall take and subscribe before the Lieutenant-Governor such oath of allegiance and such oath of office as the Governor in Council may prescribe; and the majority of the Council so appointed shall form a quorum.

Oaths of allegiance and office.

Quorum.

Clerk's oath.

"2. The Clerk of the said Council shall take before the Lieutenant-Governor such oath of office as the Governor in Council may prescribe."

Section seven repealed.

3. The seventh section of the said Act is repealed, and the following substituted for it:—

New section substituted. Powers of Council.

"**7.** The Lieutenant-Governor in Council or the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may, from time to time, confer upon him; Provided always, that such powers shall not at any time be in excess of those conferred by the ninety-second section of "*The British North America Act*, 1867," upon the Legislatures of the several Provinces of the Dominion:

Proviso.

Further proviso as to ordinances.

"2. Provided that no ordinance to be so made shall,—(1) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in Schedule B. of this Act, or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories, or which or any part of which may be at any time made by the Governor in Council, applicable to or declared to be in force in the said Territories, or,—(2) impose any fine or penalty exceeding one hundred dollars:

Fines.

"3.

"3. And provided that a copy of every such ordinance shall be mailed for transmission to the Secretary of State, within ten days after its passing, and it may be disallowed by the Governor in Council at any time within two years after its receipt by the Secretary of State; Provided, also, that all ordinances so made, and all Orders in Council disallowing any ordinance so made, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and enactment thereof respectively." Copy to Secretary of State. May be disallowed. Proviso: information to Parliament.

4. The Lieutenant Governor shall sit in Council with the Councillors as an integral part thereof, and not separately from them, and such ordinances as aforesaid shall be made by the Lieutenant-Governor in Council, and shall be expressed to be so made; and wherever in the Act hereby amended the expression---" The Lieutenant-Governor and Council" occurs, the expression " The Lieutenant-Governor in Council" shall be understood, and is hereby substituted for it; but this section shall cease to have effect when the number of members of the Council elected under section thirteen of the said Act amounts to twenty-one, and a Legislative Assembly has been formed for the said Territories. Lieutenant Governor to sit with Council. Form of enacting ordinances; Until a Legislative Assembly is formed.

5. The word "Province," in the fourth line of the second sub-section of the thirteenth section of the said Act is hereby struck out, and the words "said Territories" substituted for it Clerical error in section 13 corrected.

6. Sections fifty-nine and sixty of the said Act are hereby repealed. Sections 59, 60 repealed.

7. Sections sixty-two, sixty-three and sixty-four of the said Act are hereby repealed and the following sections, respectively, substituted in lieu thereof :— Sections 62, 63, 64 repealed and new substituted.

"62. Each Stipendiary Magistrate having taken the following oath before the Lieutenant-Governor or any Stipendiary Magistrate in the North-West Territories, that is to say: —"I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under '*The North-West Territories Acts*, 1875 *and* 1877,' without fear, without favor, and without malice: So help me God;"--shall have jurisdiction throughout the North-West Territories, as hereinafter mentioned, and shall also have jurisdiction and may exercise within the North-West Territories, the magisterial, and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories." Stipendiary Magistrates' oath of office; And jurisdiction.

"63. Each Stipendiary Magistrate shall further have power to try in a summary way, and without the intervention Further powers, for summary trial of

certain offenders under section 3 of 36 V. c. 35.

tion of a jury, in addition to any other charge which he may by law have the power so to try, any charge against any person or persons for any offence committed within the North-West Territories, mentioned in the third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-five, intituled "*An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories,*"—Which section is hereby re-enacted and shall be and remain in force notwithstanding the coming into force of the Act hereby amended.

Said section to remain in force.

Trial without a jury by assent of offender in certain cases.

"**64**. When the maximum punishment for a crime not triable in a summary way under the next preceding section, or under any other provision of the criminal law. does not exceed seven years' imprisonment, the Stipendiary Magistrate—if the accused assents thereto—may try in a summary way and without the intervention of a jury, any charge against any person or persons for any such crime, but if the accused does not so consent then the trial shall be had as provided in the next following sub-section :

Trial by jury of six.

"2. When the maximum punishment for a crime other than punishment by death exceeds seven years' imprisonment, the Stipendiary Magistrate and a Justice of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime:

When the crime is capital.

"3. When the punishment for a crime is death, one Stipendiary Magistrate and two Justices of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime :

Procedure in such cases.

Notes by Magistrate.

Defence by Counsel.

"4. The procedure upon trials under sub-sections two and three of this section shall be as far as possible similar to the procedure upon summary trials ; but the Stipendiary Magistrate shall, upon every such trial, take, or cause to be taken, in writing, full notes of the evidence and other proceedings thereat ; and all persons tried under the said sub-sections shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel learned in the law :

Death sentence to be reported.

Stay of execution.

"5. When any person is convicted of a capital offence and is sentenced to death, the Stipendiary Magistrate shall forward to the Minister of Justice full notes of the evidence with his report upon the case, and the execution shall be stayed until such report is received and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor :

"6. In default of any ordinance in that behalf, made under sub-section nine of this section, persons required as jurors for a trial under the said sub-sections two and three, shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf; and the jury required on such trials shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial: Summoning jurors: until ordinance is made.

"7. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors: Peremptory challenges by prisoners.

"Every peremptory challenge beyond the number so allowed shall be entirely void; Void beyond six.

"The Crown may peremptorily challenge not more than four jurors; By Crown.

"Challenges for cause shall be the same as now provided for under the Act, chapter twenty-nine, thirty-second and thirty-third Victoria, (1869) intituled "*An Act respecting procedure in criminal cases and other matters relating to criminal law*"; Challenges for cause.

"If, from challenges or otherwise, the jurors summoned for the trial are exhausted, the Stipendiary Magistrate shall direct some constable or other person to summon by word of mouth from among the by-standers or from the neighbourhood, such number of persons as may be necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the Magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury be formed, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, and making default or refusing to serve as such without lawful excuse to the satisfaction of the Magistrate, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine be paid: Provision if the list of jurors is exhausted. Tales. Fine on juror summoned and not serving.

"8. If imprisonment in jail for not less than two years, or in the penitentiary, be awarded in any case, the convict may be ordered to be imprisoned in the North-West Territories or to be conveyed to the penitentiary in the Province of Manitoba; in which latter case he shall undergo such punishment therein as if convicted in the Province of Manitoba, and shall be so conveyed by any constable or constables, and received and detained therein by the authorities of the penitentiary on the warrant of the Stipendiary Magistrate: Provision when imprisonment for two years or more is awarded.

"9. The Lieutenant-Governor in Council, or the Lieutenant-Governor, by and with the advice and consent of the Legislative Lt.-Governor in Council or

with Assembly, may make jury laws. Legislative Assembly, as the case may be, may, from time to time, make any ordinance in respect to the mode of calling juries, and when, and by whom, and how they may be summoned or taken, and in respect of all matters relating to the same; but no Grand Jury shall be called in the North-West Territories:

No Grand Jury.

Returns to Lt.-Governor. "10. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant-Governor in such form and at such times as he may direct."

Section 71 repealed. **8.** Section seventy-one of the said Act is hereby repealed, and the following substituted for it:—

New section. "**71.** Every Stipendiary Magistrate shall have jurisdiction, power and authority to hear and determine any claim, dispute or demand as hereinafter mentioned, that is to say:—

Jurisdiction in civil cases. "1. Where the claim, dispute or demand is for a tort, wrong or grievance in which the amount claimed does not exceed five hundred dollars, or if for a debt or on a contract, in which the amount claimed does not exceed one thousand dollars, in a summary way, and without the intervention of a jury:

Without a jury.

With a jury, in a summary way. "2. In all other claims, disputes or demands than those above-mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury; but if either party demands a jury, then with the intervention of a jury of six in number, summoned in the manner hereinbefore provided as to criminal trials: and the Stipendiary Magistrate shall give such judgments and make such orders and decrees as shall appear to him just and agreeable to equity and good conscience; but the Stipendiary Magistrate shall not have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was for a gambling debt or for any such intoxicating liquor or intoxicant:

Judgment according to equity and good conscience. No suit allowed for gambling debt or intoxicant.

Execution of judgment. "3. Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor in Council or the Lieutenant-Governor and Legislative Assembly, as the case may be, or if no such ordinance be then in force, then in like manner as a judgment to the same amount, in the Province of Manitoba."

Part of s. 74 repealed. **9.** Sub-section nine of the seventy-fourth section of the said Act is hereby repealed, and the following substituted for it:—

"9.

"9. Intoxicating liquors imported or brought from any place out of Canada into the North-West Territories, by special permission, in writing, of the Lieutenant-Governor of the said Territories, shall be subject to the several Customs and Excise laws of Canada. New provision substituted.

"10. The Act passed in the thirty-ninth year of Her Majesty's reign, intituled '*An Act to amend the Acts therein mentioned as respects the importation or manufacture of intoxicants in the North-West Territories*,' is hereby repealed." 39 V. c. 22, repealed.

10. Schedule B of the said Act is amended by striking out of the article referring to the Act *thirty-two and thirty-three Victoria, chapter thirty*, the words "committed in the North-West Territories and triable in Manitoba, or"——. Schedule B amended.

11. Either the English or the French language may be used by any person in the debates of the said Council, and in the proceedings before the Courts, and both those languages shall be used in the records and journals of the said Council, and the ordinances of the said Council shall be printed in both those languages. English or French language may be used in Council or Courts.

12. Stipendiary Magistrates appointed under the said Act or under this Act shall have the same power and authority for trying offences in the District of Keewatin as, under the said Act, they have in the North-West Territories, and the provisions herein made as to such trials and as to imprisonments under sentences shall apply to the District of Keewatin. Powers of Stipendiary Magistrates in Keewatin.

2. The Chief Justice or any Judge of the Court of Queen's Bench, of the Province of Manitoba, shall have the same power and authority for trying offences in the District of Keewatin as under said Act or this Act a Stipendiary Magistrate or two Stipendiary Magistrates or a Stipendiary Magistrate and two Justices of the Peace have in the North-West Territories, and the provisions herein made as to trials shall, so far as applicable, apply to trials before such Chief Justice or Judge in the District of Keewatin: Provided always, that the Chief Justice or Judge shall not proceed to any such trial unless requested by the Governor in Council. Powers of County Judges and Judges of Q. B., Manitoba, in N.W.T. Proviso.

13. This Act shall be construed as forming one Act with that amended by it. Interpretation.

14. This Act may be cited as "*The North-West Territories Act*, 1877," and the Act hereby amended and this Act may be together cited as "*The North-West Territories Acts*, 1875 *and* 1877." Short titles.

CHAP.

CHAP. 8.

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec.

[*Assented to 28th April,* 1877.]

Preamble. Con. Stat. Can. c. 24.

WHEREAS, under the provisions of Chapter twenty-four of the Consolidated Statutes of the late Province of Canada, and of the Statutes by that Act consolidated, certain lands mentioned in the first schedule to that Act were vested in Her Majesty's Principal Secretary of State for the War Department, and other lands mentioned in the second schedule to that Act were vested in Her Majesty for the purposes of the late Province of Canada, subject to the provisions of that Act; And whereas it was agreed between Her Majesty's Government and the Government of Canada, that the lands so vested in Her Majesty's Principal Secretary of State for the War Department, should be transferred to Canada, and, in pursuance of that agreement, the possession and control of such lands have been transferred to the Government of Canada; And whereas, in order to the execution of that agreement, it is necessary that the legal title to the said lands should be re-vested in Her Majesty for the purposes of Canada; And whereas the said lands are comprised in those described in the schedule to this Act,—and it is expedient to make provision for the management and disposition of all the lands mentioned in such schedule: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lands in the Schedule vested in H. M. for Canada.

1. All the lands comprised in the Schedule to this Act, by whatever mode of conveyance the same may have been acquired or taken, whether in fee, for life, for years, or otherwise, and all the appurtenances thereof, are and shall be and continue absolutely vested in Her Majesty for the purposes of Canada, and shall be subject to the provisions of the laws relating to public lands, so far as applicable to the same, and shall be held, used, alienated and dealt with accordingly; but subject, nevertheless, to any sales, agreements, leases or agreements to lease, heretofore lawfully entered into respecting the same.

Subject to agreements, &c.

Proviso: rights saved.

2. Nothing in this Act shall affect any right of any party claiming any of the said lands.

To be divided into two classes.

3. The said lands shall be divided by the Governor in Council into two classes, to be denominated respectively, Class one and Class two.

2. Lands in either class, may, from time to time, be placed or replaced in the other class by the Govérnor in Council. **From time to time.**

4. Class one shall consist of such parts of the said lands as may, from time to time, be placed in that class, by order of the Governor in Council. **Class 1.**

2. Lands in Class one shall be retained by the Government of Canada for the defence of Canada. **Lands retained for defence.**

3. Such of the lands in Class one as it is deemed necessary by the Governor in Council to occupy for the defence of Canada in time of peace, may be so occupied by such force as shall be lawfully directed by the Governor in Council. **How to be occupied if necessary for defence.**

4. Such of the lands in Class one as it is not deemed necessary so to occupy, may be leased or otherwise used, as the Governor in Council may think best for the advantage of Canada. **If not necessary.**

5. Class two shall consist of such parts of the said lands as may not be in Class one. **Class 2.**

2. Lands in Class two may be sold, leased or otherwise used as the Governor in Council from time to time may think meet; Provided always, that such sales shall only be made at public auction, except in the case of lands sold to the Government of a Province for provincial purposes; but no such sale shall prejudice the right acquired by any private party, subject to the provisions as to sales, registration of assignments and cancellation of sales, contained in the Public Lands Act, 1860, twenty-third Victoria, chapter two: **How to be dealt with. Proviso: sales to be by public auction, subject to 23 V. c. 2, Prov. of Canada.**

3. Provided always, that when any portions ot the said lands are in the actual occupation of any person or persons with the assent of the Crown and improvements thereon have been made, such improvements shall be paid for at a fair valuation before exposing the land to competition; or the Crown may, by private contract, sell the portion or portions of land so occupied to the person or persons in possession without resorting to public auction. **Proviso: as to land on which improvements have been made.**

6. The moneys arising from the sale or lease of any of the said lands shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada; and a separate account shall be kept thereof. **And moneys arising therefrom; Separate account.**

7. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. **Inconsistent enactments repealed.**

SCHEDULE.

SCHEDULE

REFERRED TO IN THE FIRST SECTION OF THIS ACT.

ONTARIO.

WAR DEPARTMENT property, as per Schedule, Consolidated Statutes of Canada, (22 Victoria) chapter 86.

Local name of the Property, &c.	Origin of the Title.	Contents. (nearly.) A.	R.	P.
NIAGARA.				
Fort Mississagua and land attached...	Partly by Crown reservation in 1784 or 1796, and partly by exchange with Mr. Crooks..........	66	2	14
KINGSTON.				
Land at the Little Cataraqui	Purchased by Imperial Government in 1812.	142	1	31
Murney Tower and Redoubt, land, &c	Crown reservation and partly by deed of exchange..	6	3	13
Market Battery and enclosure...........	Crown reservation and partly by deed of exchange..	1	2	39
Shoal Tower and submerged land in front of Market Battery..................	Granted by Order in Council, 18th Nov., 1845, and 26th June, 1846, but no letters patent issued......................	11 12 12	1 0 3	16 10 3¾
Tête de Pont Barracks, stables, &c...	By right of conquest, and military appropriation; the site of Fort Frontenac and works attached..........................	4	3	31
Fuel yards, Nos. 1, 2, barrack office and lot 19, Place d'Armes, on site of works of old Fort Frontenac.....	By patent—Provincial Government in exchange for other lots, 28th January, 1861..............	1	2	14
Fuel yard, No 3, on site of advanced work of old Fort Frontenac...........	Held by military occupation since the conquest. No written title yet found...	0	3	8
Artillery Park, with barracks, stables &c., workshops, &c., &c., attached	Crown reservation as delineated on a plan of Kingston in the Crown Lands Department, signed by Alex. Aitken, D.P.S., but no date.......	5	2	25
The water lot, being a portion of Cataraqui Bay, north-east of the city..	By letters patent from the Crown to the Hon. Board of Ordnance, on condition the navigation of the river should not be obstructed, nor the rights of private individuals be interfered with, dated 22nd Nov., 1845..................................	71	0	0
Military Burial Ground section G, in Cataraqui Cemetery........................	Deed of Donation from the Trustees to the War Department, dated 31st January, 1865...	2	0	14
Point Frederick Naval Reserve, dockyard, &c..	Crown Reserve, set apart by letters dated 11th September, 1783, and 22nd May, 1785, by General Haldimand and Lieut.-Governor Hamilton	57	0	0

NAVAL

NAVAL RESERVE.

Re POINT FREDERICK.

Vide Consolidated Statutes of Canada, (22 Victoria) chapter 37 Extract from Schedule.

Thirdly—Reserves situate near the city of Kingston, to wit: So much of Point Frederick, in the township of Pittsburg, in the county of Frontenac, now in the possession of the Naval Authorities at Kingston, and included between a fence or fences on the south side of the road leading from the east end of the Cataraqui Bridge to the village of Barriefield, and another fence at the south-west end of the Naval Yard separating it from the Tower on the extremity of Point Frederick; and also Point Frederick, the inlets designated as Haldimand Cove and Hamilton Cove.

Local name of the Property, &c.	Origin of the Title.	Contents. (nearly.)		
KINGSTON.—Continued.		A.	R.	P.
Fort Frederick—Glacis and land attached at Point Frederick.............	Crown Reserve as above quoted	8	2	0
Fort Henry and advanced battery, with ordnance store, buildings, hospital and accessories, &c. Known also as "Barriefield Common."......	do do dated 11th September, 1783, and 22nd May, 1785....	556	0	0
Cedar Island Tower and glacis	do do do ...	23	0	0
Pittsburgh, western addition of lot No. 20, Barriefield........................	Purchased from Robert McDonald and wife, 6th July, 1844	125	2	1
Pittsburgh, western addition of lot No. 21, Barriefield........................	Acquired from Robert David Cartwright, and Harriet his wife, by deed of exchange 20th March, 1840	102	0	0
Pittsburgh, western addition, front part of lot No. 16, on the River Cataraqui north of Barriefield........	Purchased by the Admiralty from Richard O'Connor, Captain R.N., represented by his Attorney, J. B. Marks, R.N., 23rd August, 1819................................	4	2	0

QUEBEC

QUEBEC CITY AND DISTRICT.

WAR DEPARTMENT Property as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local name of the property.	Origin of the Title.	Contents. (nearly). A.	R.	P.
Exercising Ground, Plains of Abraham	Leasehold from the Ursuline Nuns, 99 years from 1st May, 1802	71	3	1
No. 3, Tower Field, N.W. of the Grand Allée, Plains of Abraham	Leasehold from the Nuns of the Hotel Dieu, 99 years from 1st May, 1790; space covered by the tower is freehold	37	0	12
No. 4, Tower Field, N. W. of St. John's Road	Leasehold from the Nuns of the Hotel Dieu; 99 years from 1st May, 1790, including a freehold strip of 0*a*. 1*r*. 0½*p*	18	1	24½
Land surrounding Nos. 1 & 2, Towers, S. E. side of the Grand Allée, Plains of Abraham	Acquired by purchase from the Ursuline Nuns, 15th June, 1811, Joseph Planté, N.P., Quebec	7	2	20
Land S. E. of the Grand Allée to the Cime du Cap and between Nos. 1 & 2, Towers property, and counterscarp of the Citadel and Works adjacent	The greater part acquired by purchase from various individuals, and partly by conquest of the old French Works, &c, an annual ground rent of £1 17s. 0d., is payable on part of this land to the Fief de Villeray	100	0	0
The Esplanade, Town Works—Glacis, cricketfield, ditches, ravelin, &c., in front, lying between St. Louis and St. John's Gates	Acquired partly by conquest and partly by purchase from various individuals (Cricketfield, 5*a*. 3*r*. 22*p*.)	24	2	35
Citadel—Glacis and Town Works, as far as St. Louis Gate, Engineer Yard, &c	Chiefly by right of conquest and Military appropriation	45	0	0
Town Works, Artillery Barracks, Glacis, &c., between St. John's Gate, Palace Gate and St. Valier Street	Chiefly by conquest and military appropriation. Lots in St. Valier Street, purchased in 1846-7	13	3	2
Mount Carmel, a commanding eminence, and site of the Windmill Redoubt, or Cavalier, formerly a portion of the defences of Quebec	Acquired by purchase, 25th Nov., 1780. J. Pinguet, N. P	0	2	0
Officers Barracks, Garrison Hospital, &c., fronting on St. Louis Street, and in rear by St. Géneviève St	By purchase, 5th April, 1811	1	2	0
Commissariat Premises, opposite old Court House, on St. Louis Street, and in rear by Mount Carmel St	Acquired by purchase, 11th August, 1815.	0	2	30

QUEBEC

QUEBEC CITY AND DISTRICT.

WAR DEPARTMENT Property as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local name of the property.	Origin of the Title.	Contents. (nearly.)		
		A.	R.	P
Jesuit Barracks, with other buildings and land attached, fronting on St. Anne Street, and Upper Town Market Square	By right of conquest and military appropriation, occupied as Infantry Barracks, &c	5	1	10
The Town Works, along the top of the Cape (Cime du Cap), between the King's Bastion of the Citadel and Prescott Gate, Mountain Hill, including site of old Fort St. Louis, Governor's Garden, &c........	Part of the Crown Domain by conquest and military appropriation, with small portions at either end acquired by purchase in 1781, and about 1827-29........	5	1	0
Near Grand Battery, east end of St. George's Street. Magazine F. and Ordnance Stores, &c	By right of conquest and military appropriation	0	0	12
Magazine E., Hotel Dieu, on Rampart Street, between Palace and Hope Gates	Acquired by purchase, 17th June, 1809.....	0	1	22
The defences along the Ramparts between Prescott Gate, Grand Battery, Hope Gate and Palace Gate (Upper Town)........	By right of conquest and military appropriation (including Rampart Street and cliff underneath) *	....	.....	.....
Inclined Plane, Wharf and land to the Cime du Cap (top of the cliff) on Champlain Street, S. E. of the Citadel........	Acquired by purchase, 24th Sept., 1781, afterwards used in connection with the Citadel........	2	2	0
Queen's Wharf premises, and small lot opposite, on Cul de Sac Street..	Formerly a part of the defences of Quebec, site of a battery. Acquired by right of conquest, &c........	1	3	8
Land at the foot of the Cliff in La Canoterie and St. Charles Streets, as a Glacis in front of the Town Works	Acquired by purchase in 1846-7, to prevent buildings against the defences......	2	3	0
Commissariat Fuel Yard, &c., on Palace Harbour, St. Roch's	Part of the Intendant's Palace property, held by conquest	4	3	28

SEIGNIORY OF NEUVILLE, COUNTY PORTNEUF.

A strong defensive position, on the right bank of the River Jacques Cartier about 30 miles above Quebec........	Acquired by purchase from the Seignior, 25th June, 1818........	38	0	3

* Contents never given.

SEIGNIORY

Seigniory of Lauzon, &c., Lands acquired under the provisions of the Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local Name of the Property.	Origin of the Title.	Contents. (nearly.)		
Point Levis.	*Freehold.*	A.	R.	P.
Point Levis; Forts Nos. 1, 2, 3; Seigniory of Lauzon; County of Levis; District of Quebec............	Lands acquired by purchase in 1865, 1866, 1867 and 1868, under the provisions of the Consolidated Statutes of Canada, chapter 36. J. Greaves Clapham, N. P., Quebec	1252	2	37
do do as above, to prevent erection of buildings near the rear line or covered way, between Nos. 2 and 3 forts..................	*Copyhold.* Assignment of clearance rights acquired in 1867 and 1868; a servitude in perpetuity. J. Greaves Clapham, N. P., Quebec.	69	1	35

Lands, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local Name of the Property.	Origin of the Title.	Contents. (nearly.)		
Montreal City.		A.	R.	P.
Quebec Gate and Artillery Barracks, cavalry stables, fuel yard, commissariat store buildings, and the beach in front—all on Water street.	Principally by right of conquest and military appropriation; a few perches only purchased in 1834..........................	8	0	36
Garrison hospital, surgeons' headquarters, land and other buildings attached..................................	Acquired by purchase in 1836, and by deed of exchange, 19th September, 1870	1	0	26
North-west side of Dalhousie Square, building lots, site of Old Citadel Hill..................................	By deed of purchase, 25th May, 1838	0	0	25
Champ de Mars or parade ground for the troops..................................	Held since the conquest in 1760, as a part of the old fortifications, fronting on Craig Street..............................	4	1	28
Military burial ground on the Papineau Road..........	By purchase, 30th December, 1814............	1	1	24
St. Helen's Island	By deed of exchange, 8th April, 1818,	123	3	20
Ile Ronde..................................	(Being in the St. Lawrence River, and	28	1	10
Ile aux Fraises..................................	lying contiguous.	1	2	19

Admiralty

ADMIRALTY LANDS or Naval Reserves as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 37.

Local Name of the Property, &c.	Origin of the Title.	Contents. (nearly).		
		A.	R.	P
ONTARIO.	*Naval Reserves.*			
County of Haldimand	Grand River	219	0	0
	Barbet Point	48	2	32
	Mohawk Bay	20	0	0
do Simcoe..............................	Reserve Townships, Tiny and Tay, south-east side Penetanguishene Harbour......	389	0	0
	Reserve, east branch of Holland River, in town plot of Gwillimbury; lots 49, 50, 51 and 52. West side of Meadow Street..	4	0	0
	Reserve Lot 13, in the Township of Vespra, 11th concession	200	0	0
do Essex	Reserves at Point Pelée, in the Township of Mersea	3000	0	0
Lake Huron	Lot 1, in 1st and 2nd concessions of the Island St. Joseph, with broken point to south of same	500	0	0
	South-half lot 6, in the 9th concession in Milford Haven	106	0	0

LANDS, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local Name of the Property, &c.	Origin of the Title.	Contents. (nearly.)		
		A.	R.	P.
QUEBEC.	*Naval Reserves.*			
Montreal.				
The Hochelaga Barracks and Military Prison	....	2	3	8¼
Logan's Farm	....	121	3	12
Farm at Longueuil	....	190	0	14
Sorel.				
Government Farm and Cottage east of the Richelieu, being lots 26, 27, and 28 by survey of Hayden, P.L.S., April, 1867; leased to Parsons as containing	....	116*	.....	......

* 116 English Acres=137 Arpents, 30½ Perches, French.

LANDS,

LANDS, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Victoria) chapter 36.

Local Name of the Property, &c.	Origin of the Title.	Contents. (nearly.) A.	R.	P.
QUEBEC.—*Continued.*	*Naval Reserves.*			
Sorel.				
The Military Reserve or Domaine, South-east of the Town of Sorel, and lying between the town and lot 25. Quantity unknown. Part under lease and part patented. Shown on plan signed W. Hamilton, Colonel Commanding Royal Engineers, 2nd August 1870. Coloured pink				
The Barracks and divers lots of land, being a Military Reserve at the mouth of the Richelieu, on the eastern shore, held on lease, as shown in pink on plan signed Hamilton, Col. C.R.E., 2nd August, 1870. Quantity unknown. Called also Reserve South of Victoria Street by said plan				
Land lying on the west shore of the River Richelieu, on the point at its mouth, bounded on the south by the Chemin de Ligne à la Grand Rivière, and round its front and sides by the Richelieu and St. Lawrence Rivers, from the eastern to the western extremities of the said "Chemin de Ligne" as shown on plan by Hayden, P. L. S., April, 1867; and, in pink, on plan by W. Hamilton, Col. C.R.E., 2nd August, 1870. Quantities not given				
Isle aux Cochons and part of Isle St. Ignace. Contents not given. Shown in pink on plan by Hamilton, Col. C.R.E., 2nd August, 1870				
Isle Ronde	River St. Lawrence			
Isle de Grace	do			
Isle aux Corbeaux	do			
St. Luc, County of St. John's		20	0	0

CHAP.

CHAP. 9.

An Act to make better provision respecting the Geological and Natural History Survey of Canada and for the maintenance of the Museum in connection therewith.

[*Assented to 28th April,* 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble

1. The Minister of the Interior shall continue to have the control and management of the Geological Survey of Canada, and there shall be a branch of the Department of the Interior known as the Geological Survey Branch, which shall, under the control of the Minister, take charge of and conduct the Geological Survey of the several Provinces and Territories of the Dominion. Survey to be under control of Minister of the Interior.

2. The objects and purposes of the survey and museum shall be, to elucidate the geology and mineralogy of the Dominion, and to make a full and scientific examination of the various strata, soils, ores, coals, oils and mineral waters, and of its recent *fauna* and *flora*, so as to afford to the mining, metallurgical and other interests of the country, correct and full information as to its character and resources. Objects of the survey

3. It shall be the duty of the persons in charge of the said survey:— Duties of persons employed on it.

1. To collect, classify and arrange such specimens as may be necessary to insure a complete and exact knowledge of the mineralogical resources of the several Provinces and Territories of Canada; to carry on palæontological investigations, to study and report upon the *fauna* and *flora* of the Dominion, and to make such other researches as will best tend to ensure the carrying into effect the object and purposes of this Act; Collections and arrangement thereof. Researches.

2 To continue to collect the necessary materials for a Canadian museum of natural history, mineralogy and geology; Materials for Museum.

3. To report from time to time, in such manner and form as the Minister may direct, their proceedings under this Act, and to furnish proper maps, diagrams, drawings and collections of specimens to illustrate the same. Reports.

4. The Director of the Geological Survey shall, as soon as may be after the close of each calendar year, make a full report to the Minister, of the proceedings and work of the Survey for the year, and the results thereof, in such manner Yearly report of Director. What to show.

and

and form, and with such details, maps, diagrams and drawings as may be requisite to elucidate the same; and the Minister shall cause the same to be laid before Parliament, with such remarks, explanations and recommendations as he may think proper.

To be laid before Parliament.

Appointments and remuneration.

5. The Governor in Council may, from time to time, appoint a suitable person, to be the Director of the Geological Survey, with such assistants as may be necessary to carry out the provisions of this Act, and with such salaries or remuneration as the Governor in Council may determine; provided that such salaries shall be subject to the approval of Parliament.

Proviso.

Superannuation Act to apply to permanent employees.

6. The Director and persons appointed to permanent positions in the Geological Survey Branch of the Department of the Interior, shall be considered as being within the provisions of the Act thirty-third Victoria, chapter four, to provide for the superannuation of persons employed in the Civil Service, in certain cases.

Removal of Museum to Ottawa.

7. The Governor in Council, may, whenever he may think fit, direct the removal of the museum, and the officers and others connected with the Geological Survey Branch of the Department of the Interior, to the City of Ottawa.

Museum to open to the public, etc.

8. The museum shall be opened to the public from ten a.m. until four p.m., Sundays excepted, and shall be furnished with such books, instruments and apparatus as may be necessary for scientific reference, and for the prosecution of the survey; and the Governor in Council may, from time to time, cause the enlargement of the museum, and the distribution of duplicate specimens to scientific, literary and educational institutions in Canada and other countries.

Measurement and marks for topographical purposes.

9 For the purpose of obtaining an accurate basis from which the geological and topographical features of the country may be ascertained, and for the purpose of connecting together local and partial surveys, the Director of the Geological Survey shall cause such topographical, geographical or other measurements or observations to be made, and monuments or marks to be placed, as may be deemed necessary for this purpose.

Railway and canal companies to furnish plans and sections of their works.

10. All railway and canal companies over which the Parliament of Canada has jurisdiction, shall, if incorporated after the passing of the Act thirty-first Victoria, chapter sixty-seven, furnish to the Geological Survey, without charge, certified copies of all plans and sections of their surveys; and all such companies theretofore incorporated, shall furnish such plans and sections upon the demand of the Director of the Geological Survey, and at the cost of the Department.

11 Persons employed in one branch of the Department may be directed by the Minister to perform any duty in or with respect to any other branch. Employees in one branch may be employed in another.

12. This Act shall come into force upon, from and after the first day of July, one thousand eight hundred and seventy-seven; and all former Acts respecting the Geological Survey of Canada shall then be repealed, except only as to rights acquired under or offences against the same. Commencement of Act and repeal of former Acts.

CHAP. 10.

An Act to amend and consolidate the Acts respecting the Customs.

[*Assented to 28th April*, 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

PRELIMINARY—INTERPRETATION.

1. This Act shall be construed as being passed in amendment of the "*Act respecting the Customs*," hereinafter mentioned as superseded by it and repealed, and as a consolidation of the amendments hereby made with those portions of the said Act which are herein re-enacted, and which shall be construed as declaratory of the existing law,—the amendments only having effect as new law. Manner of construing this Act.

2. In order to avoid the frequent use of numerous terms and expressions in this Act, and in other laws relating to the Customs, or to trade or navigation, and to prevent misconstruction of the terms and expressions used therein, it is declared that— Interpretation clause.

In this Act, or in any such law as aforesaid, the word "Port" means a place where vessels or vehicles may discharge or load cargo; the word "Collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed, appointed or authorized to do the duty of Collector thereat; the word "Officer" means an officer of the Customs; the word "Vessel" means any ship, vessel or boat of any kind whatever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context be manifestly such as to distinguish one kind or class of vessel from another; the word "Master" means the person having or taking charge of any ship or vessel; the word Port. Collector. Officer. Vessel. Master.

Conductor. Owner, &c. Goods. Warehouse. Customs warehouse. General rule.

word "Conductor" means the person in charge, or having the chief direction of any railway train; the words "Owner," "Importer," or "Exporter" mean the owners, importers, or exporters, if there be more than one in any case, and include persons lawfully acting on their behalf; the word "Goods" means goods, wares, and merchandise, or moveable effects of any kind, including carriages, horses, cattle and other animals, except where these latter are manifestly not intended to be included by the said word; the word "Warehouse" means any place, whether house, shed, yard, dock, pond or other place in which goods imported may be lodged, kept and secured without payment of duty; and the words "Customs Warehouse" mean any such place appointed or approved for the said purpose by competent authority; and generally, all the terms and provisions of this Act or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the Revenue and the attainment of the purpose for which such law was made, according to its true intent, meaning and spirit.

DUTIES AND EXEMPTIONS FROM DUTY.

To what duties this Act applies.

3. The following provisions of this Act shall apply to all duties of Customs imposed by any Act of the Parliament of the Dominion of Canada, whether passed in the present Session, or in any future Session of the said Parliament.

As to unenumerated articles bearing a similitude to enumerated ones, &c. Articles made of more than one material. Spirits flavoured.

4. On each and every non-enumerated article which bears a similitude, either in material, quality or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned; if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty; on all articles manufactured from two or more materials, the duty shall be that charged on the article (if there be a difference of duty) which is charged with the highest duty; spirits and strong waters, from whatever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

Recital.

5. And inasmuch as doubts may arise as to whether any or what duty is payable on particular goods, more especially when such goods are of a new or unusual kind, or compounded of various kinds of materials, or imported in an unusual manner or under unusual circumstances: Therefore, for removing

removing such doubts and avoiding litigation, if in any case any doubt arises as to whether any or what duty is, under the laws then in force, payable on any kind of goods, and there is no decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question, or goods imported in the manner or under the circumstances in question, or that such goods are exempt from duty; and any Order in Council containing such declaration and fixing such duty (if any) and published in the *Canada Gazette*, shall, until otherwise ordered by Parliament, have the same force and effect as if such duty had been fixed and declared by law; and a copy of the said *Gazette* containing a copy of any such order shall be evidence thereof.

Governor in Council may declare the duty in doubtful cases, or that the goods are free from duty.

Effect and proof of such order.

6. All duties, penalties or forfeitures imposed by any Act relating to the Customs, shall be payable in money being a legal tender, at such rate as that four dollars and eighty-six cents and two-thirds of a cent of such money, shall be of equal value with the British sovereign or pound sterling; and all such duties shall be paid and received according to the weights and measures established by the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled "*An Act respecting Weights and Measures*," assented to by His Excellency, the Governor General, and brought into force and operation by His Excellency's proclamation on and from the first day of July, one thousand eight hundred and seventy-five:

Currency as respects duties.

Weights and measures.

36 V. c. 47.

And in all cases wherein the duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Greater or less quantities.

7. The duties imposed by any such Act shall be held to be duties within the meaning of the Act of the Parliament of Canada, intituled "*An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts and the liability of Public Accountants*," and of any Act of the said Parliament amending the same, and shall, with all matters and things thereunto relating, be subject to the provisions of the said Act or Acts, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same are not inconsistent with this Act: and all moneys arising from such duties, or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada.

Duties to be within the purview of 31 V., c. 5.

And Orders in Council under it.

To form part of Con. Rev. Fund.

ENTRY

ENTRY OF GOODS INWARDS—PLACE OF ENTRY.

Goods not to be unladen except after due entry.

8. No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, nor from any vessel having dutiable goods on board brought coastwise,—nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same; and no goods shall be so unladen (unless for the purpose of lightening the ship or vessel in crossing over a shoal or bar, or sand-bank) except between sunrise and sunset and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the Collector or other proper officer, for the unlading of such goods; and if, after the arrival of the vessel within three leagues of the coast, any alteration be made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof be fraudulently staved, destroyed or thrown overboard, or any package be opened, it shall be deemed a breaking of bulk: and all goods unladen contrary to this Act shall be forfeited; and if bulk be broken contrary to this Act, the master shall forfeit two hundred dollars.

Exception.

And at the hours and places appointed for the purpose.

Stowage of cargo not to be altered.

Forfeiture for contravention.

Governor in Council to appoint places of entry, and alter the same.

9. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Act, and may, in like manner, increase or diminish the number, or alter the position or limits thereof.

At what places only goods may be imported.

10. All goods imported into Canada, whether by sea, land, coastwise, or by inland navigation, whether dutiable or not, must be brought in at a port of entry where a Custom House is lawfully established; and all goods or merchandise exported by sea, land, or by inland navigation, must be reported at the nearest Custom House, or, if exported from any place where no Custom House is established, they must be reported within twenty-four hours of the time of such export, at the nearest Custom House, according to such regulations as may be established by the Governor in Council from time to time.

Forfeiture of goods carried past the Custom House on importation by land, or removed, &c.

11. If any goods are imported into Canada at any other place, than at some port or place of entry at which a Custom House is then lawfully established, or being brought into such port or place of entry by land or inland navigation, are carried past such Custom House, or removed from the place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and

and a permit given accordingly,—or if any vessel with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause) such goods, (except those of an innocent owner) shall be forfeited, together with the vessel in which the same were imported,—if such vessel is of less value than eight hundred dollars; and if the vessel is worth more than that sum, it may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars, and the vessel may be detained until such penalty be paid or security given for the payment thereof; and unless payment be made or satisfactory security be given, within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty:

Vessel forfeited in certain cases: Penalty in others. Vessels may be detained: and sold for penalties if not paid.

2. And if any goods are so imported by land, they shall be forfeited, together with the carriage and all the harness and tackle thereof, in or by which such goods are so imported or removed, and the horses or other cattle employed in drawing such carriage, or in importing or removing such goods:

Carriages forfeited in cases of importation by land.

3. And if any goods are so imported on any railway, they shall in like manner be forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited; and any conductor, baggage-master or other officer or servant of the Company owning or operating such railway, proved to have been, knowing of, or aiding or abetting in such fraudulent importation, shall incur a penalty of two hundred dollars.

And railway cars in case of importation by railway. Penalty for contravention.

4. Any Express Company who, by their officers or servants, or by any member of or partner in such Company, violate any of the foregoing provisions of this section, or aid or abet any other person or persons in so doing, shall be liable to such penalties as are provided by this or any other section of this Act in such cases

Express companies liable to like penalties for contravention of this section.

ENTRY INWARDS—REPORT.

12. The master of every vessel arriving from any port or place out of the Dominion of Canada, or coastwise in any port in Canada, whether laden or in ballast, shall come directly, and before bulk is broken, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers, (if any) the number of the crew, and whether she is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods

Report to be made by the master of a vessel arriving from sea, or coastwise. Contents of such report.

goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo is intended to be landed at that port, and what at any other port in Canada, and what part (if any) is intended to be exported in the same vessel, and what surplus stores remain on board,—as far as any of such particulars can be known to him: And in the case of every vessel bound for any sea port in Canada, from any port out of Canada, the Collector or proper officer of such Canadian port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by him to be presented at the Custom House on arrival. Such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards, for comparison with that to be presented by the master in person.

Surplus stores.

Vessels from ports out of Canada may be boarded within three miles of any anchorage ground, and report demanded.

Officer may remain on board, &c.

2. And the master shall, at the same time, if required by the officer of Customs, produce to him the bills of lading of the cargo, or true copies thereof, and shall, if so required, make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as shall be demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report: and if any goods are unladen from any vessel before such report be made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, he shall forfeit the sum of four hundred dollars:

Production of bills of lading, answering questions, &c.

Penalty for contravention.

3. And any goods not reported, found on board or landed, shall be forfeited, unless it appears that there was no fraudulent intention,—in which case the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk, under this section:

Goods not reported to be forfeited.

As to the necessary lightening of vessels.

4. If the contents of any package intended for importation into another port, or for exportation, be unknown to the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods be found therein, all the goods in such package shall be forfeited:

Goods intended for another port.

5. Provided, that in order to avoid injurious delay to steamers and other vessels under certain circumstances, the Governor in Council may make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry,—such vessels being duly reported to the Custom House, and having obtained the Collector's warrant for the purpose; provided such landing be effected between sunrise and sunset, on a day not being Sunday or a statutory holiday, and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse; and such goods shall be thereafter dealt with by the Customs as prescribed by law; but nothing in this section shall affect any contract, express or implied, between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract; and provided, further, that the Governor in Council may make similar regulations for the appointment of Sufferance Warehouses, in which goods arriving by railway may be stored before entry,—such goods having been duly reported to the Custom House:

To avoid injurious delay, Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

Proviso.

Proviso.

Sufferance warehouses for goods by railway.

6. The conductor of every railway train carrying freight arriving at any port in Canada from any foreign port, shall come directly, and before bulk is broken, to the Custom House at such port, and report all merchandise on board his train or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and what part thereof, if any, is intended to pass *in transitu* through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada; and if any goods are unladen before such report is made, except by written permission of the Collector, or proper officer of Customs, or if the conductor fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same, he shall forfeit the sum of four hundred dollars;

Report to be made on importation, by railway conductor.

Penalty for contravention.

7. And fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they be duly reported and entered as soon as possible after being safely deposited on shore, and that the landing be in presence of an officer of the Customs, if one can be procured:

As to fish, coin or bullion.

8. If a vessel having live stock or perishable articles on deck arrives after business hours, the Collector or any officer at

Or live stock or perishable articles

at the port may permit the master to unlade the same before report; but report shall in such case be made as soon as may be after the next opening of the Customs office.

Governor in Council may declare what shall be a coasting voyage.

13. The Governor in Council may, by regulation, declare any trade or voyage on the seas, rivers, lakes or waters, within or adjacent to Canada, whether to or from any place within or without Canada, to be a coasting trade or a coasting voyage within the meaning of this Act,—whether such seas, rivers, lakes or waters are or are not, geographically or for the purposes of other Acts or laws, inland waters; and all carrying by water which is not a carrying by sea or coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may, from time to time, with regard to any such coasting trade, dispense with such of the requirements of the four next preceding sections as he deems it inexpedient to enforce in any case or class of cases, or make such further regulations as he may think expedient; and any goods carried coastwise, or laden, water borne or unladen, contrary to such regulations or to any provision of this Act not dispensed with by such regulations shall be forfeited.

What shall be deemed inland navigation.

Governor in Council may relieve coasters.

Penalty for contravention.

Report to be made on importation by land or inland navigation.

14. The master or person in charge of any vessel, whether laden or in ballast, or carriage arriving by land or inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein (whether any duty be payable on such goods or not) or if the carriage, or its tackle, or the horses or cattle drawing the same, or any of them, is or are liable to duty, and any person whosoever so arriving and having with him or in his charge or custody any goods, shall come directly, and before any such goods are unladen or put out of his custody, to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of the arrival of such vessel, carriage or goods,—stating in such report the marks and numbers of every package and parcel of goods in such vessel or carriage, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars are known to him; and he shall then and there produce such goods to the Collector or other proper officer, and shall declare that no goods have been unladen from such vessel or carriage, or have been put out of his possession, between the time of his coming within the limits of Canada and of his making such report and affidavit, and shall further answer all such questions concerning such vessel, carriage or goods, as are demanded of him by such Collector or officer:

Contents of such report.

2. And if any goods are unladen from such vessel or carriage, or put out of the custody of such master or person, before such report is made, or if such master or person fails to make such report or to produce such goods, or makes an untrue report, or does not truly answer the questions demanded of him, he shall for each or any such offence forfeit the sum of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers of any package do not agree with the report made, such goods or package shall be forfeited. Forfeiture of goods unladen, &c., without being reported; penalty for untrue report.

ENTRY—GENERAL FORM OF.

15. Every importer of any goods by sea or from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same; and every importer of any goods imported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods, and land the same; and every importer of any goods imported by inland navigation in any undecked vessel or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof. Within what time entries shall be made. If by sea, or from any place out of Canada. By inland navigation, in decked vessels or by land. In undecked vessels.

2. The person entering any goods inwards, shall deliver to the Collector or other proper officer, a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer,—and, if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen,—and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture; and— Bills of entry inwards. Duplicates. Particulars required.

3. Unless the goods are to be warehoused in the manner by this Act provided, such persons shall, at the same time, pay down all duties due upon all goods entered inwards; and the Collector or other proper officer shall, immediately thereupon, grant his warrant for the unlading of such goods, and grant a permit for the conveyance of the same further into Canada, if so required by the importer: Duties to be paid down unless the goods are warehoused. Warrant for unlading. Permit, if required.

4. In default of such entry and landing, or production of the goods, or payment of duty, the officer of Customs may convey the goods to the Customs Warehouse, there to be kept at the risk and charge of the owner;—and if such goods For want of entry, goods may be taken to the warehouse and

sold, if duties be not paid within a certain time.

goods be not duly entered for consumption or for warehousing within one month from the date of their being so conveyed to the Customs Warehouse, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, shall be paid to the owner of the goods or to his lawful agent; provided always, that in case the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall be destroyed; and any goods unladen or landed before due entry thereof and warrant for landing, shall be forfeited, and any person concerned in landing or receiving or concealing goods so landed shall, for each offence, forfeit four hundred dollars:

Proviso as to worthless goods.

Goods landed before due entry, &c.

Proviso: as to goods not intended to be landed at the first port the vessel makes.

Where the entry shall be completed.

5. But if any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods are to be landed and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council may from time to time appoint:

Verified entries of cargo required by collector before clearance is granted to vessel.

6. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the Collector or proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles, and whether the said goods are of Canadian or of foreign production or manufacture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof be liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the Collector or proper officer of Customs:

7.

7. The owners, shippers, or consignors of any goods to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Custom House nearest to the place of lading; and such entry shall specify the kinds and quantities of the articles laden by them respectively, and the proper name and description of the railway over which such goods are to be transported, or of any other conveyance to be used for the same purpose; and shall verify the same by oath, and such oath shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea; and if any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to proceed until such duty is paid to the Collector or proper officer of Customs: Verified entry required for exportation by railway.

8. The owner, shipper, or consignor of any goods who shall refuse or neglect to make entry of the articles shipped or laden by them respectively, as required by the two next preceding sub-sections, shall incur a penalty not exceeding two hundred dollars for each such offence. Penalty for contravention of two preceding sub-sections

16. The Collector may require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions. Collector may require further proof that goods are properly entered, &c.

17. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the Collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of re-packing. Packages of which the contents are unknown may be opened.

18. No entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse (as hereinafter provided) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report (where any is required) by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty or may be imported: and any goods taken or delivered out of any No entry unless the goods correspond with the report. Goods not correspond-

ing with the entry to be forfeited.

any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited: and the Collector or proper officer, after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in presence of two or more credible witnesses; and if, upon examination, the same are found to agree with the entries, they shall be re-packed by such Collector or proper officer, at the public cost, but otherwise they shall be forfeited.

Suspected packages may be opened.

Conditions.

Quantity and value to be always given in entry.

19. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty; and the invoice thereof shall be produced to the Collector.

Surplus stores of sea-going vessels to be liable to duty.

20. The surplus stores of vessels arriving in Canada from parts beyond the seas, shall be subject to the same duties and regulations as if imported as merchandise; but if it shall appear to the Collector that such stores are not excessive or unsuitable, under the circumstances of the voyage, he may permit them to be entered for the private use of the master or owner, or of any passenger to whom the same may belong, on payment of the proper duties, or to be warehoused for re-shipment for the future use of the vessel.

Annapolis.

21. Vessels entering the Gut of Annapolis may be reported and entered, and the duties on goods therein imported, paid either at the Port of Digby or Annapolis.

Great Bras d'Or.

22. Vessels entering the Great Bras d'Or shall be reported and entered at such place as the Minister of Customs may, from time to time, direct.

ENTRY INWARDS—GOODS DAMAGED, ETC.—FREE GOODS—TARE.

Abatement of *ad valorem* duties on goods imported by water and damaged.

23. If any goods imported by water, on which *ad valorem* duties are payable, receive any damage by water or otherwise during the course of the voyage, after such goods have been laden or shipped, and before the same are unshipped or discharged from the vessel in which they are imported into Canada, or from any vessel or craft into which the said goods have been transhipped for the purpose of being conveyed to the port of destination, so that the owner thereof is prejudiced in the sale of such goods,—then if the claim for abatement be made in due form at the first examination of the goods after landing, and while they are in the custody of the Crown, the Collector or proper officer of the Customs at the place where the same are landed, being satisfied of the

the necessary facts, may offer to make such abatement of the duties otherwise payable on such goods, as he may think reasonable and just; but if the owner or consignee of the goods be not satisfied with the abatement so offered, then the Collector may choose three disinterested merchants, experienced in the value of such goods, who, or any two of them, upon viewing the same, shall certify what damage such goods have received, or how much the same are lessened in their true value by such damage, in relation to the duties imposed on them; and thereupon such officer shall make or repay a proportionate allowance to the importer, by way of abatement of the duties due or payable, or which have been actually paid upon the same: and the said merchants shall be allowed in remuneration for such valuation, at the discretion of such officer, a sum of not less than two dollars nor more than ten dollars for each merchant; and such remuneration shall be paid by the owner or owners of such goods.

How ascertained.

Remuneration to be allowed to the merchants ascertaining such abatement.

24. When any vessel is entered at the Custom House at any port in Canada, on board of which there are any goods on which any duty has been levied or collected, or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the Collector or proper officer of the Customs at the place (who shall administer the oath), that such goods, or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent.

Return of duties on goods lost before landing,—on what conditions to be obtained.

25. If any vessel having received damage puts into a port in Canada to which she is not bound, having dutiable goods on board, which it may be necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the Collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the Collector; and the Collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent as hereinbefore directed, and they shall remain in the custody of the Collector until the vessel is ready for sea,—when, upon payment of storage and the reasonable charges of unlading and storing, the Collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and

Vessels unladen for the purpose of repairing damages.

and without payment of duty: no person shall be entitled to the benefit of this section who shall have sold any of such goods, except such as it may have been necessary to sell to defray the expense of repairs and charges of the vessel, or as may have been authorized by the Collector of Customs; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser.

Goods wrecked or derelict, &c.

26. Goods derelict, flotsam, jetsam, or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties as goods of the like kind imported are subject to; and, if of such sort as are entitled to allowance for damage, such allowance shall be made under the direction of the Minister of Customs; if any person has in his possession, in port or on land, any such goods, the same being dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand, pay the duties thereon or deliver the same to the proper officer, he shall forfeit two hundred dollars, and the goods be forfeited: and if any person removes or alters in quantity or quality, any such goods, or unnecessarily opens or alters any package thereof, or abets any such act before the goods are deposited in a warehouse under the custody of the Customs officers, he shall forfeit two hundred dollars: and if the duties on such goods are not paid within eighteen months from the time when the same were so deposited, the same may be sold in like manner, and for the same purposes as goods imported may in such default be sold; if they are sold for more than enough to pay the duty, the surplus shall be paid over to the person entitled to receive it.

Sale for duty.

Crown goods and others exempted from duty, to be liable to duty if sold;

27. All goods exempt from duty as being imported or taken out of warehouse for the use of Her Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes: and if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

Forfeiture if duty be not paid.

Allowance for tare, &c., to be fixed by Governor in Council.

28. In all cases where duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as may be appointed by regulation made by the Governor in Council:

Where real tare is known:

2. But when the original invoice of any goods is produced, and a declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid; subject, however, to such



such further regulation as the Governor in Council may from time to time make.

29. The Collector or any appraiser under this Act, may take samples of any goods imported, for the purpose of ascertaining whether any and what duties are payable on such goods, and such samples shall be disposed of as the Minister of Customs may direct. Collector, &c., may take samples.

ENTRY INWARDS—VALUATION FOR DUTY.

30. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to *ad valorem* duties as may protect the revenue and the fair trader against fraud by the undervaluation of any such goods,—Therefore, the Governor may from time to time, and when he deems it expedient, appoint fit and proper persons to be appraisers of goods, and to act as such respectively, at such ports of entry and places as may be designated for that purpose: and each such appraiser shall, before acting as such, take and subscribe the following oath of office before some Justice of the Peace having jurisdiction where the oath is taken, and shall deliver the same to the Collector at the port or place, or at one of the ports or places where he is appointed to act:— Recital. Appraisers to be appointed. They shall take an oath of office.

"I, A. B., having been appointed an appraiser of goods, "wares and merchandise, and to act as such at the port of " (*or, as the case may be*), do solemnly "swear (*or* affirm) that I will faithfully perform the duties "of the said office without partiality, fear, favour or affec- "tion, and that I will appraise the value of all goods sub- "mitted to my appraisement, according to the true intent "and meaning of the laws imposing duties of Customs in "this Dominion; and that I will use my best endeavours to "prevent all fraud, subterfuge or evasion of the said laws, "and more especially to detect, expose and frustrate all "attempts to undervalue any goods, wares or merchandise "on which any duty is chargeable. So help me God." The oath.

A. B.,
Appraiser for
(*as the case may be*).

"Sworn before me, this day of
" 18 ."

E. F.,
J. P. for (*as the case may be*).

If no appraiser is appointed at any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such; and the Minister of Customs may, at any time, direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser Appraisers may be sent to any port to appraise goods.

appraiser there during any time,—which such appraiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

As to mode of calculating value for *ad valorem* duties.

31. In all cases where any duty is imposed on any goods imported into Canada, *ad valorem*, or according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were exported directly to Canada; and every appraiser, and every Collector, when acting as such, shall, by all reasonable ways and means in his power, ascertain the fair market value, as aforesaid, of any goods to be appraised by him, and estimate and appraise the value for duty of such goods, at the fair market value, as aforesaid:

Duty of officers.

Provisions as to goods merely passing through a country.

2. Nevertheless, by any order of the Governor in Council, it may be provided that in the cases and on the conditions to be mentioned in such order, and while the same is in force, goods *bonâ fide* exported to Canada from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first-mentioned country.

What shall be deemed the fair market value for duty *ad valorem*.

32. The fair market value for duty, of goods imported into Canada, shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term, at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is, by universal usage, considered and known to be a cash article, and so *bonâ fide* paid for in all transactions in relation to such article; and all invoices representing cash values, except in the special cases hereinabove referred to, shall be subject to such additions as to the Collector or appraiser of the port at which they are presented may appear just and reasonable, to bring up the amount to the true and fair market value, as required by this section:

Proviso as to cash articles.

As to deduction for value of packages.

2. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of a package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made it shall be the duty of the Customs officer to see that the charge is fair and reasonable, and represents no more than the original cost thereof;

As to deduction for charges for packing, straw, cording, &c.

3. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment:

4.



4. No discount for cash shall in any case be allowed, in deduction of the fair market value, as above defined, nor shall goods be allowed to entry at cash values, except where it is satisfactorily shown to the Collector that such goods can be purchased only for cash, and then it shall form a part of the affidavit of the importer that the value of such goods was paid at the time of purchase. Discount for cash.

33. The standards by which the colour and grades of sugars are to be regulated, and the class to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the Collectors of such ports of entry as may be necessary, by the Minister of Customs, in such manner as he may deem expedient; and the decision of the appraiser, or of the Collector of a port where there is no appraiser, as to the class to which any imported sugar belongs, and the duties to which it is subject, shall be final and conclusive, and the duties shall be paid accordingly; and all cane juice, syrup of sugar or of sugar cane, melado, or concentrated melado or concentrated molasses, entered as molasses, or under any other name than cane juice, syrup of sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be forfeited. Standards for qualities of sugar. Forfeiture for entering certain syrups, &c., under wrong names.

34. The value for duty, on which any *ad valorem* duties on sugar, molasses, melado, syrup of sugar, or sugar cane, syrup of molasses or of sorghum, concentrated melado or concentrated molasses and sugar candy shall be calculated and taken, shall include the value of the packages containing the same, and the shipping and other charges on such articles; and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada; and the Governor in Council shall have power to declare what charges shall be included in such value so defined; and the Governor in Council shall have power to interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs, that any article may be imported free of duty for special purposes, or for particular objects or interests; and to make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature, the same shall apply and extend, and to direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid. Value of sugar for duty—how ascertained. Powers of Governor in Council. Regulations may be made.

35. If the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorised to make the declaration required with regard to such goods, makes and subscribes a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, Entries inwards by Bill of Sight—how and in what cases made.

thereof, and takes the oath in such cases provided in the schedule to this Act,—then the Collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the Collector or officer a sum of money fully sufficient in the judgment of the Collector or officer to pay the duties thereon; and if the importer does not complete a perfect entry within the time appointed by the Collector the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly:

Deposit of money for duty.

Provision if perfect entry be not made as stipulated.

If the importer swears that no invoice has been or can be received.

2. Such sight entry may be made as aforesaid and the goods may be delivered if such importer or person as aforesaid makes oath or affirms that such invoice has not been, and cannot be produced, and pays to the Collector or proper officer aforesaid a sum of money sufficient in the judgment of such Collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of the said duties;

In other cases entry not perfect without invoice.

3. But, except only in cases where it is otherwise provided herein or by regulation of the Governor in Council, no entry shall be deemed perfect unless a sufficient invoice of the goods to be entered, attested as hereinafter required, has been produced to the Collector.

Invoice to be attested on oath by the owner of the goods.

36. With the bill of entry of any goods, there shall be produced and delivered to and left with the Collector an invoice of the goods, attested by the oath of the owner, and if the owner be not the person entering such goods, then verified also by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person, who may lawfully make such entry and verify such invoice, in the form or to the effect of the oath or oaths provided for the case in the schedule hereunto annexed,—which oath or oaths shall be written or printed, or partly written or partly printed on such invoice, or on the bill of entry, (as the case may be,) or shall be annexed thereto, and shall in either case distinctly refer to such invoice, so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the party making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath provided for the case in the said schedule.

Form of oath.

Bill of Entry to mention the value for duty, and to be attested.

37.

37. If there be more than one owner, importer, or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner resident out of Canada is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof,—in which case the oath of such non-resident owner (or one of them, if there be more than one,) cognizant of the facts, shall be requisite to the due attestation of the invoice.

As to any case where there may be more than one owner of goods.

38. The invoice of any goods produced and delivered to the Collector with the bill of entry thereof, under the next preceding section but one, must, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the oath of the importer or consignee or other person who may, under this Act, lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods,—and must also, if required by the Collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners be the person entering the goods and verifying the invoice on oath.

Invoice to be attested by one of the owners of such goods—and also by the importer or consignee.

And also by the oath of the non-resident owner, &c.

39. If the owner, importer or consignee of any goods be dead or a bankrupt or insolvent, or if for any cause his personal estate be administered by another person, then his executor, curator, administrator or assignee, or person administering, as aforesaid, may, if cognizant of the facts take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made.

Provision for the death, &c., of the owner, importer or consignee.

40. In any such bill of entry as aforesaid, the person making the same may add such sum to the value stated in the invoice, as will be sufficient to make the value for duty such as it ought to be; and such value shall then, for the purposes of this Act, stand instead of the value as it would appear by the invoice; and no evidence of the value of any goods imported into Canada, or taken out of warehouse for consumption therein, at the place whence and the time when they are to be deemed to have been exported to Canada, contradictory to or at variance with the value stated in the invoice produced to the Collector, with the additions (if any) made to such value by the bill of entry, shall be received in any court in Canada, on the part of any party except the Crown.

Party entering may add to the value by the invoice, so as to give the true value for the duty.

Evidence of the value of goods, &c.

41. The oath required under the six foregoing sections may be made in Canada before the Collector at the port where the goods are entered, or if the person making such oath is

Before whom the attestation of invoice or bills of

entry may be made.

is not resident there, then before the Collector of some other port; and when such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom or at any place in Her Majesty's possessions abroad, before the Collector or before the mayor, or other chief municipal officer of the place where the goods are shipped, and at any other place before the British Consul at such place; or if there is no such consul, then before some one of the principal merchants at such place, not interested in the goods in question:

Governor in Council may appoint other persons before whom attestation may be made.

2. And the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries as he sees fit, by name, or by their name of office, and in Canada or out of it, as those before whom such oath may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching such oath, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such regulation:

No person but the owner, &c., to make oath, except in certain cases.

3. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath under the said foregoing sections, unless there be attached to the bill of entry therein referred to, a declaration by the owner, consignee or importer of the said goods, (or his legal representative under section one hundred and thirty-nine of this Act), to the same effect as the oath, (adapting the form and words to the case,) distinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, (or his legal representative,) either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; and such declaration shall be kept by the Collector: And for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath; but such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable in the interests of commerce, to dispense therewith:

Before whom.

Penalty if false.

Proviso.

Governor in Council may alter oaths in schedule, from time to time.

4. The Governor in Council may, by regulation, authorize the alteration of any of the forms of oaths in the schedule to this Act, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary; and any amended form prescribed by any such regulation, shall be of the same effect as the form in the said schedule for which it is substituted, and shall thereafter be held to be the form referred

referred to in this Act; and any such regulation may, from time to time, be repealed or amended as other regulations in matters relating to the Customs.

No person making or authorizing a false invoice of any goods shall recover any part of the price thereof.

42. If any person makes, or sends, or brings into Canada, or causes or authorizes the making, sending or bringing into Canada, of any invoice or paper, used or intended to be used as an invoice for Customs purposes, wherein any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, no price or sum of money shall be recoverable by such person, his assigns or representatives, for the price or on account of the purchase of such goods or any part of them, or on any bill of exchange, note or other security, (unless in the hands of an innocent holder for value without notice,) made, given or executed for the price of or on account of the purchase of such goods or any part of such price; and the production or proof of the existence of any other invoice, account, document or paper made or sent by the same person, or by his authority, wherein the same goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as first above mentioned, shall be *primâ facie* evidence that such first mentioned invoice was intended to be fraudulently used for Customs purposes; but such intention, or the actual fraudulent use of such invoice, may be proved by any other legal evidence.

Evidence of fraud.

Collector to retain and file invoices.

43. The Collectors of Customs, at all the ports in Canada, shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively,—of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers; and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received as authentic; and the Collector shall be entitled to demand for each certificate a fee of fifty cents, before delivering the same.

Certified copies to be evidence.

Fee.

Power of appraiser or collector to examine the parties on oath, &c.

44. Any Appraiser, or any Collector acting as such (or the merchants to be selected as hereinafter mentioned, to examine and appraise any goods,—if the importer, owner, consignee or agent is dissatisfied with the first appraisement), may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such Appraiser or Collector deems material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers or account books in his possession relating to the same:

Penalty for refusing to attend, &c.

2. And if any person so called neglects or refuses to attend, or declines to answer, or refuses to answer in writing (if required) to any interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books as aforesaid when required so to do, he shall thereby incur a penalty of fifty dollars; and if such person is the owner, importer or consignee of the goods in question, the appraisement which the Appraiser or Collector acting as such shall make thereof shall be final and conclusive:

Penalty for wilfully false evidence.

Depositions to be filed in the office of the Collector.

3. And if any person wilfully swears falsely in any such examination, and he is the owner, importer or consignee of the goods in question, they shall be forfeited; and all depositions or testimony in writing taken under this section, shall be filed in the office of the Collector at the place where the same are made or taken,—there to remain for future use or reference.

Importer dissatisfied with appraisement may appeal in certain cases.

Two merchants to be appointed to appraise the goods.

Their appraisement to be final.

45. If the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made, as aforesaid, of any such goods, he may forthwith give notice in writing, to the Collector, of such dissatisfaction,—on the receipt of which notice the Collector shall select two discreet and experienced merchants, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions, and if they disagree the Collector shall decide between them; and the appraisement thus made shall be final and conclusive, and the duty shall be levied accordingly:

Remuneration of such merchants, and by whom paid.

2. The said merchants shall each be entitled to the sum of five dollars,—to be paid by the party dissatisfied with the former appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such former appraisement, or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty, as it would appear by the invoice and bill of entry thereof; otherwise the same shall be paid by the Collector out of any public moneys in his hands, and charged in his accounts:

Penalty for refusing to act.

3. Any merchant chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting, incur a penalty of forty dollars and costs.

Additional duty in cases of under-valuation.

46. If in any case the actual value for duty of any goods, as finally determined by the Appraiser or Collector acting as such, or under the next preceding section, in the case therein mentioned, exceeds by twenty per centum, or more



more, the value for duty as it would appear by the invoice and bill of entry thereof, then in addition to the duty otherwise payable on such goods, when properly valued, there shall be levied and collected upon the same a further duty equal to one-half of the duty so otherwise payable: And the value of any goods for duty shall never be appraised at less than the value for duty, as it would appear by the invoice and bill of entry.

Appraised value never to be less than invoice value.

47. On the entry of any goods, the decision of the Collector of Customs at the port of entry, as to the rate and amount of duties to be paid on such goods, shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee or agent of the goods, do, within ten days after the ascertainment and liquidation of the duties by the proper officers of Customs, and whether the goods are entered in bond or for consumption, give notice in writing to the Collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and do, within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Minister of Customs, —whose decision on such appeal, or in his absence the decision of any other member of the Executive Council who may be appointed by the Governor in Council for that purpose, shall be final and conclusive; and such goods shall be liable to duty accordingly, unless suit be brought within sixty days after the decision on such appeal, for any duties which shall have been paid before date of such decision, on such goods, or within sixty days after the payment of duties paid after such decision; and no suit shall be maintained in any Court for the recovery of any duties alleged to have been erroneously or illegally exacted, until such decision as last mentioned shall have been first had on such appeal: Provided that such decision shall be given within thirty days after such appeal has been lodged with the Minister of Customs.

Duties fixed by Collector to be final, unless appealed from within a certain time to Minister of Customs.

No suits for recovery until after decision on appeal.

Proviso.

48. The value of goods chargeable with *ad valorem* duties, brought into Canada under the denomination of prize goods, or which shall be sold by order of the Court of Vice-Admiralty, or which shall become forfeited and be sold as such, shall, if the value thereof cannot be ascertained by the means hereinbefore prescribed, be determined by the gross price which the same shall bring at public auction; and the purchasers shall be considered the importers and pay the duties thereon.

Value of prize goods—how ascertained for duty.

ENTRY INWARDS—POWERS OF COLLECTOR FOR ENSURING FAIR VALUATION.

49. The Collector may always, when he deems it expedient for the protection of the revenue and the fair trader, and subject

Collector may take goods on paying the



value assigned in the bill of entry, adding ten per cent. and charges.

subject always to any regulations to be made by the Governor in Council in that behalf,—detain and cause to be properly secured, and may at any time, within fifteen days, declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcel or parcels, or the whole of the goods mentioned in any bill of entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such Collector, the sum at which such goods, packages or parcels are respectively valued for duty in the bill of entry, and ten per cent. thereon, and also the fair freight and charges thereon to the port of entry, and may take a receipt for such sum and addition when paid: and the goods so taken shall (whether such payment be requested or not) belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as shall be provided by any regulation in that behalf, or as the Minister of Customs shall direct; and the net proceeds of the sale of any such goods shall be applied first to the repayment to the Consolidated Revenue Fund of the sum so paid to the owner or person entering such goods, and the remainder to or towards the payment of the lawful duty on the same:

Goods taken, how dealt with.

Bonus to Collector, appraiser, &c., for diligence.

2. And if the net proceeds of any such sale exceeds the amount paid as aforesaid for the goods, and the amount of duty legally accruing thereon, then any part of the surplus, not exceeding fifty per centum of such surplus, may under any regulation or order of the Governor in Council be paid to the Collector, Appraiser or other officer concerned in the taking thereof, as a reward for his diligence.

Collector may cause a certain number of packages in every entry to be opened, &c.

50. The Collector shall cause at least one package in every invoice, and at least one package in ten if there be more than ten in any invoice, and so many more as he or any Appraiser deems it expedient to examine for the protection of the revenue, to be sent to the warehouse, and there to be opened, examined and appraised,—the packages to be so opened being designated by the Collector: And if any package is found to contain any goods not mentioned in the invoice, such goods shall be absolutely forfeited, and if any goods are found which do not correspond with the description thereof in the invoice, and such omission or non-correspondence appears to have been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any invoice or entry any goods have been undervalued with such intent as aforesaid, or if the oath made with regard to any such invoice or entry is wilfully false in any particular—then, in any of the cases aforesaid, all the packages and goods included or pretended to be included, or which ought to have been included in such invoice or entry, shall be forfeited

Forfeiture of goods not mentioned in invoice, or fraudulently undervalued, &c.

Or for false statement in any oath, &c.

51. All the packages mentioned in any one entry, although most of such packages may have been delivered to the importer, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent for examination to the examining warehouse shall have been duly examined and approved,—provided such examination takes place within three days after the delivery of the package or packages into the examining warehouse, and after twenty-four hours' notice by the importer to the Collector; and a bond shall be given by the importer conditioned that the packages so delivered shall not be opened or unpacked before the package or packages sent to the examining warehouse shall have been examined and passed as aforesaid, provided they are examined within the delay aforesaid; and the packages so delivered, or the goods, if lawfully unpacked, shall, if required by the Collector of Customs, be returned to the Custom House within such delay as may be mentioned in the bond, under the forfeiture of the penalty of such bond,—provided that the Collector shall use due diligence in causing such examination to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as those sent to the warehouse have been examined and approved:

Provision as to packages delivered to importer before examination.

Bond to be given.

Proviso: for avoiding delay.

2. The bond above mentioned may be a general bond covering the entries to be made by the importer for a period ot twelve months from its date, and the penal sum shall be equal to the value of the largest importation made by the importer in question at any one time during the twelve months next immediately preceding; or if such importer has made no importations by which, in the opinion of the Collector such penal sum can be properly fixed, the Collector shall fix the amount thereof at such sum as he deems equitable.

Nature and amount of bond.

ENTRY INWARDS—GENERAL PROVISIONS.

52. The burden of proof that all the requirements of this Act, with regard to the entry of any goods, have been complied with and fulfilled, shall, in all cases, lie upon the parties whose duty it was to comply with and fulfil the same.

Onus of proof of due entry, on whom to lie.

53. And whereas it is expedient that certain goods when imported into Canada should be marked or branded with such mark or brand as may be deemed necessary, in order to denote the payment of the duty to which such goods are liable: Therefore the Governor in Council may, by regulation, direct that after any goods have been entered at the Custom House, and before the same are discharged by the officers and delivered into the custody of the importer

Duty-paid goods may be branded or marked under regulations to be made by the Governor in Council.

importer or his agent, such goods shall be marked or stamped in such manner or form as may be directed by such regulation for the security of the revenue, and by such officer as may be directed or appointed for that purpose.

Permit certifying that duties have been paid on any goods to be granted at the request of the owner.

54. When any person has occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid,—the Collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed, and the packages in which such goods are contained with their marks and numbers—shall give a permit or certificate in writing, signed by him, bearing date of the day it is made, and containing the like particulars and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

Particulars in such permit.

WAREHOUSING GOODS.

What shall be warehousing ports.

55. The following Ports shall be Warehousing Ports for the purposes of this Act: viz., Amherst, Amherstburg, Annapolis, Antigonish, Arichat, Bathurst, Baddeck, Barrington, Belleville, Brantford, Brockville, Bridgetown, Caraquette, Chatham (Ont.,) Chippawa, Chatham (N.B.,) Charlottetown, Clifton, Cobourg, Coaticooke, Colborne, Collingwood, Cornwall, Cornwallis, Cramahe, Darlington, Dalhousie, Digby, Dover, Dorchester, Dundas, Dunnville, Elgin, Fort Erie, Fredericton, Gaspé, Galt, Gananoque, Grand Falls, Guelph, Guysborough, Hamilton, Halifax, Hillsborough, Hope, Kincardine, Kingston, Lindsay, Liverpool, London, Locke Port, Londonderry, Lunenburg, Magdalen Islands, Margaretsville, Montreal, Morrisburg, Moncton, Napanee, New Carlisle, Newcastle, (Ont.,) Newcastle, (N.B.,) Niagara, North Sydney, Oakville, Oshawa, Ottawa, Owen Sound, Paris, Parrsborough, Percé, Peterboro', Picton, Pictou, Port Hawkesbury, Port Hood, Port Medway, Prescott, Prince Arthur's Landing, Quebec, Rimouski, Richibucto, Sarnia, Sackville, Sault Ste. Marie, St. Andrews, St. Catharines, St. George, St. Hyacinthe, St. John, St. Johns, St. Stephens, Sherbrooke. Shediac, Shelburne, Sorel. Stanley, Stratford, Sydney, Three Rivers, Toronto, Trenton, Truro, Victoria, Wallaceburg, West Isles, Weymouth, Whitby, Windsor (Ont.,) Windsor (N.S.,) Winnipeg, Woodstock, (Ont.,) Woodstock (N.B.), and Yarmouth, as shall also such other Ports of Entry as the Governor in Council may, from time to time, appoint to be Warehousing Ports.

56.

56. The importer of any goods into Canada may enter the same for exportation, on giving security by his own bond with one sufficient surety, for the exportation of the same goods—or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same,—the penalty of such bond being double the amount of the duty to which such goods are subject (without payment of any duties in either case on the first entry thereof), at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations, as may be, from time to time, appointed by the Governor in Council in that behalf, not being repugnant to this Act:

Goods may be entered for exportation or warehoused without payment of duties subject to regulations of Governor in Council.

2. During the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at the warehousing ports sees fit to adopt (as well for the carrying and taking of such goods to the warehouse as for other purposes), such importer may sort, pack, re-pack, or make such lawful arrangements respecting the same, in order to the preservation or legal disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry, and may remove the same under the authority of the said officer, from such warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, under good and sufficient bonds to the satisfaction of such officer,—or, upon entry at any frontier port or Custom House, under the authority and with the sanction of the Collector or chief officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, the importer may pass the goods on to any warehousing port in any other part of Canada:

Importer may sort or re-pack goods, for their preservation and disposal, and may take samples;

And may remove the same under bond.

And may pass the same on to any other warehousing port, under bond, &c.

3. All such goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof; and, in default thereof, the Collector or proper officer may sell such goods for the payment, first of the duties, and secondly of the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner or his lawful agent; and the Collector or proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf:

Goods to be finally cleared within two years.

In default, collector may sell: and charge warehouse rent.

4. But the Collector may, if he sees no reason to refuse such permission, permit the importer to abandon any whole package or packages, for duties, without being liable to pay any duty on the same; and the same shall then be sold, and the proceeds shall be dealt with as the duties would have been if paid.

Importer may be allowed to abandon packages, and not be liable for duty.

5.

Bonds for duties in warehouse may be dispensed with in certain cases.

5. The Governor in Council may, by regulations to be, from time to time, made in that behalf, dispense with or provide for the cancelling of bonds for the payment of duties on goods actually deposited in warehouse under the Crown's lock, on such terms and conditions and in such cases as he thinks proper.

Liability for freight.

6. Goods warehoused shall continue to be liable for freight as if on ship board.

Goods taken out for exportation and relanded, &c., to be forfeited.

57. If any goods entered to be warehoused are not duly carried into and deposited in the warehouse, or, having been so, are afterwards taken out of the warehouse without due entry and clearance, or, having been entered and cleared for exportation from the warehouse, are not duly carried and shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the permission of the proper officer of the Customs, such goods shall be forfeited.

Goods taken out of warehouse subject to duties.

58. All goods taken out of warehouse shall be subject to the duties to which they would be liable if then imported into Canada, and not to any other.

Cattle and swine may be slaughtered, &c., and grain ground, in bond, under regulations to be made by the Governor in Council.

May extend to the substitution of beef and pork, &c.

59. The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcass, may cure and pack the same) in bond; and the importer of any wheat, maize or other grain, may grind and pack the same in bond; provided such slaughtering, curing, grinding and packing be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make for this purpose; and the said regulations may extend to the substitution of beef and pork, flour and meal in quantities equivalent to the produce of such cattle and swine, wheat, maize or other grain.

Sugar may be refined in bond.

60. The importer or owner of any sugar, molasses or other material from which refined sugar can be produced, may refine the same in bond, provided such refining be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make and impose for that purpose; and the same regulations may extend to the substitution of refined sugar in quantities equivalent to the produce of the sugar or other material so refined in bond.

Property in bond, how to be transferable.

61. The property of any whole package or packages of any goods so warehoused, shall be transferable from party to party on a *bonâ fide* bill of sale by the parties, or executed and delivered by a broker or other person legally authorized for or on behalf of the parties respectively:

2.

2. And any such sale shall be valid for the purposes of this Act, although the goods remain in the warehouse, provided that a transfer of such goods, according to the sale, is entered and signed by the parties in a book to be kept for that purpose by the Collector or other proper officer of the Customs, who shall keep such book and enter such transfers, with the dates thereof, upon application of the owners of the goods, and shall produce such book upon demand made; Transfers to be entered by the Collector in a book to be open to the public.

3. And upon such sale, the proper officer may admit fresh security to be given by the bond of the new proprietor of the goods, or person having the control over the same (with his sufficient surety, in cases where the former bond was given with surety), and may cancel the bond given by the original bonder of such goods, or may exonerate him and his surety, (if any he had,) to the extent of the fresh security so given; and the party being the proprietor of any such goods for the time being, shall then be deemed to be the importer thereof for the purposes of this Act, and may, under permit from the Collector, remove the goods to another warehouse in the same port, provided that not more than three transfers of the same goods shall be allowed before entry thereof for duty or for exportation. New proprietor may give bond, &c. Bond of original bonder may be cancelled. Proprietor to be deemed the importer.

62. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused. Duty to be paid on quantity of goods first entered.

63. The unshipping, carrying and landing of all goods, and the taking of the same from the examining warehouse or the proper place after landing, warehouse rent and expenses of safe keeping in warehouse, shall be performed and paid by or at the expense of the importer of such goods, and in such manner and at such place as shall be appointed by the Collector or proper officer of Customs; and if any such goods be removed from the place so appointed without leave of such Collector or proper officer, they shall be forfeited. All charges and expenses of unshipping, landing, &c., to be borne by the importer.

64. No parcel of goods shall be taken out of warehouse whether for consumption or exportation, or removal to some other port unless the duty thereon amount to the sum of twenty dollars or upwards, or such parcel be all the goods remaining in warehouse, and comprised in the same entry for warehousing. Not less than a certain quantity of goods to be taken out of warehouse at one time.

65. If after any goods have been duly entered, or landed to be warehoused, or entered and examined to be re-warehoused, and before the same have been actually deposited in the warehouse, the importer further enters the same or any part for home use or for exportation as from the warehouse, the goods so entered shall be considered as virtually and constructively Goods entered for warehousing to be deemed warehoused in certain cases.

constructively warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation.

Bond to be given on entry for exportation of goods from warehouse—conditions.

66. Upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land, or inland navigation, as the case may be, the person entering the same shall give security by bond in double the duties of importation on such goods, and with a sufficient surety, to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid is by sea, be actually exported, and when the entry aforesaid is by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards, or shall in either case be otherwise accounted for to the satisfaction of the Collector or proper officer, and that such proof or certificate that such goods have been so exported, landed or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond; and if any such goods are not so exported or are fraudulently re-landed in or brought into Canada, in contravention of this Act and of the said bond, they shall be forfeited, together with any vessel, boat or vehicle in which they are so re-landed or imported.

Forfeiture for contravention of conditions.

Who only may enter for exportation.

67. Any person making any entry outwards of goods from warehouse for exportation not being the owner or duly authorized by the owner thereof or the master of the vessel by which they are to be shipped, shall, for each offence, forfeit two hundred dollars.

Upon what evidence the bond may be cancelled.

68. If, within the period appointed as aforesaid from entry outwards, there be produced a certificate annexed to the shipping warrant, and signed by some principal officer of the Customs or Colonial Revenue at the place to which the goods were exported, or if such place be a foreign country, by any British Consul or Vice-Consul resident there, or an affidavit annexed to the warrant of any person resident at the place and certified by a notary public or magistrate, and in such certificate or affidavit it be stated that the goods were actually landed at some place out of Canada, as provided by the bond, or that they were lost, or that the vessel had never arrived at her destination and is supposed to be lost, the bond mentioned in the next preceding section shall be cancelled; all bonds not so cancelled within the period so appointed as aforesaid shall be enforced.

Warehoused goods taken as ships' stores.

69. Warehoused goods may be delivered as ships' stores for any vessel of the burden of fifty tons or upwards, bound on



on a voyage beyond seas, the probable duration of which out and home will not be less than thirty days, proof being first made by affidavit of the master or owner, to the satisfaction of the proper officer, that the stores are necessary and intended for the voyage; provided that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ships' stores.

ENTRY OUTWARDS.

70. The master of every vessel bound outwards from any port in Canada to any port or place beyond the seas, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the Collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods imported in her, except such as were reported for exportation in the same vessel, have been duly entered,—except that the proper officer may issue a stiffening order that such goods or ballast as may be specified therein may be laden before the former cargo is discharged: Entry of vessel outwards. Particulars of such entry. Master to show that all goods imported in the ship have been discharged.

2. And before such vessel departs, the master shall bring and deliver to the Collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him: Content to be delivered. Particulars required in. Declaration to be made.

3. And the master of every such vessel, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as may be demanded of him by such officer, and, if required, shall make his answers or any of them part of the declaration made under his hand, as aforesaid;—and thereupon the Collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise, or a certificate of her clearance in ballast, as the case may be; and if there be merchandise on board, and the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance Questions to be answered. Clearance to be granted. Contents.

to the Collector at the next port in Canada at which he arrives, immediately on his arrival:

Penalty for leaving without a clearance or not answering questions truly.

4. And if the vessel departs without such clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, he shall forfeit the sum of four hundred dollars; and the vessel shall be liable to detention in any port in Canada until the said penalty be paid.

Dispensation as to coasting trade.

5. The Governor in Council may, by regulation, dispense with any of the preceding requirements of this section, which he deems it inexpedient to enforce, with regard to vessels generally or to vessels engaged in the coasting trade or inland navigation.

Governor in Council may require statistical information as to exports.

71. The Governor in Council may, by regulations to be from time to time made in that behalf, require such information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, to be given to the proper officer of the Customs, in the entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods be exported or removed by sea, land or inland navigation.

Entry outwards of goods from warehouse must correspond with entry inwards.

72. No entry outwards nor any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages shall correspond with the particulars in the entry inwards, nor unless they shall have been properly described in the entry outwards, by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of the warehouse by an entry outwards or shipping warrant not so corresponding or not properlv describing them, shall be forfeited.

Entry outwards by agent in certain cases.

73. If the owner of any goods be resident more than ten miles from the office of the Collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods,—but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that shall be put to him: any trading corporation or company may appoint an agent for the like purposes.

STEAMERS—ENTRY INWARDS AND OUTWARDS.

Reports inwards and

74. The report for entry, inwards and outwards, required by this Act, may, in the case of any steam vessel carrying a purser,

purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and the like forfeiture of the goods in case of any untrue report, as if the report were made by the master;—and the word "master," for the purposes of this section, shall be construed as including the purser of any steam vessel; but nothing herein contained shall preclude the Collector or proper officer of Customs from calling upon the master of any steam vessel, to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him, if the report had been made by him, or to exempt the master from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he shall see fit so to do

outwards may be made by pursers of steamers.

Proviso: Master may be called on to answer questions.

BILLS OF HEALTH

75. Whenever the Collector of Customs at any port is satisfied that in such port as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transferred by the vessel, her crew, or cargo, he may grant to any vessel requiring a bill of health, a certificate, under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

Collector may grant bills of health.

SMUGGLING—AND OFFENCES CONNECTED THEREWITH.

76. If any person, knowingly and wilfully, with intent to defraud the revenue of Canada, smuggles or clandestinely introduces into Canada any goods subject to duty, without paying or accounting for the duty thereon, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty or of any part of the duty on any goods, every such person, his, her or their aiders or abettors shall, in addition to any other penalty or forfeiture to which they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction is had.

Penalty on persons smuggling goods, using false invoices, &c.

Misdemeanor.

Fine.

Imprisonment.

77. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be forfeited, and every person offering the same for sale shall forfeit treble the value of such goods, or the penalty of two hundred dollars, at the election of the prosecutor, which

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

penalty shall be recoverable in a summary way, before any one or more Justices of the Peace; and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding sixty days.

Imprisonment for non-payment.

Penalty for harbouring smuggled goods.

78. If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods illegally imported into Canada (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such person shall, for such offence, forfeit treble the value of the said goods, as well as the goods themselves.

Company of persons found with smuggled goods. Misdemeanour.

79. If any five or more persons in company are found together, and they or any of them have any goods liable to forfeiture under this Act, every such person shall be guilty of misdemeanor, and punishable accordingly.

Penalty for hiring persons to assist in smuggling, &c.

80. Any person who by any means procures or hires any person or persons, or who deputes, authorizes, or directs any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying or conveying any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall, for every person so procured or hired, forfeit the sum of one hundred dollars.

Penalty on persons committing certain offences with regard to warehoused goods.

81. If any warehoused goods are concealed in or removed from any public or private warehouse in Canada, such goods shall be forfeited; and any person concealing or removing any such goods, or aiding or abetting such removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into Canada; and all goods belonging to such importer or owner, then remaining in the same or any other warehouse, shall be placed under detention until the duty due on the goods so concealed or removed, and all penalties incurred by him shall have been paid; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Canada:

Penalty for fraudulently opening warehouse.

2. And if the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs acting in the execution of his duty, such importer or owner shall, for every such offence, forfeit the sum of one hundred dollars;



3. And any person wilfully altering, defacing or obliterating any mark, placed by any officer of the Customs, on any package of warehoused goods, or goods in transit, shall, for every such offence, forfeit the sum of five hundred dollars.

Penalty for altering and defacing marks.

82. Except in cases which, by any regulation to be made by the Governor in Council, may be excepted from the operation of this section,—all spirits (unless in bottle and imported from the United Kingdom, or in bond from a bonded warehouse in some British Possession) brought into Canada in casks or packages of less size than to contain one hundred gallons, or in other than decked vessels of not less than thirty tons register, or that may be found on board of any vessel under such tonnage in any port in Canada, shall be forfeited; and the proof that any spirits landed in packages of less size than to contain one hundred gallons, have been lawfully imported and entered, shall always be upon the person offering the same for sale.

Spirits not to be imported except in certain vessels and packages.

Onus of proof of legal importation.

83. All vessels with the guns, tackle, apparel and furniture thereof, carriages, harness, tackle, horses and cattle made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person assisting or otherwise concerned in the unshipping, landing or removal, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall, besides the goods themselves, forfeit treble the value thereof, or the penalty of two hundred dollars at the election of the officer of Customs or party suing for the same:

Vessels, &c., used in conveying forfeited goods to be forfeited.

Penalty for assisting in landing, &c., such goods.

2. And the averment in any information or libel exhibited for the recovery of such penalty, that such officer or party has elected to sue for the sum mentioned in the information or libel, shall be sufficient proof of such election, without any other evidence of the fact.

Election of officer as to penalty how proved.

84. If any vessel is found hovering (in British waters) within one league of the coasts or shores of Canada, any officer of Customs may go on board and enter into such vessel, and freely stay on board such vessel, while she remains within the limits of Canada or within one league thereof,—and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been required to depart by such officer of Customs, such officer may bring the vessel into port, and examine her cargo, and if any goods prohibited to be imported into Canada are on board, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be forfeited; and if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such

Vessels found hovering may be boarded and examined.

Vessels continuing to hover may be brought into port.

Penalty for not obeying the officer boarding.

such ship or vessel and her cargo, he shall forfeit and pay the sum of four hundred dollars.

Penalty on persons on board smuggling vessels.

85. Every person proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed any thing subjecting such vessel or boat to forfeiture, or who shall be proved to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard or destroyed, or in which any goods shall have been unlawfully brought into Canada. shall forfeit one hundred dollars, provided such person shall have been knowingly concerned in such acts.

Officers may board vessels and have free access to every part.

86. Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended to be unladen shall have been delivered; they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board; and if any place, box or chest be locked, and the keys withheld, the officer may open the same. If any goods be found concealed on board they shall be forfeited, and if any mark, lock, or seal upon any goods on board, be wilfully altered, opened or broken, before the delivery of the goods, or if any goods be secretly conveyed away, or if hatchways fastened down by the officer be opened by the master, or with his assent, the master shall forfeit four hundred dollars.

May be stationed on board.

87. The Collector or other proper officer of the Customs may station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accommodation and food, under a penalty of two hundred dollars.

Penalty for forging marks, &c., or selling goods with counterfeit marks.

88. If any person at any time forges or counterfeits any mark or brand to resemble any mark or brand provided or used for the purposes of this Act, or forges or counterfeits the impression of any such mark or brand, or sells or exposes to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be forfeited, and every such offender, and his aiders, abettors or assistants, shall, for every such offence, forfeit and pay the sum of two hundred dollars, —which penalty shall be recoverable in a summary way, before any two Justices of the Peace in Canada; and in

Imprisonment in default of payment.

default of payment the party so offending shall be committed to any of Her Majesty's gaols in Canada, for a period not exceeding twelve months:

2. And if any wilfully false oath be made in any case where by this Act an oath is required or authorized, the party making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence.

False swearing to be perjury.

89. If any person counterfeits or falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement, procures such document,—or forges or counterfeits any certificate relating to any oath, or declaration, hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanour, and being thereof convicted, shall be liable to be punished accordingly.

Penalty for counterfeiting or using counterfeit papers, &c; Or forging certificates, &c.

90. Except in the cases otherwise provided for, if any declaration required to be made by this Act or by any law relating to the Customs, or to trade or navigation, is untrue in any particular,—or, except as aforesaid, if any person required by this Act or by any other law as aforesaid to answer questions put to him by any officer of the Customs touching certain matters, does not truly answer such questions, — the person making such untrue declaration, or not truly answering such questions, shall, over and above any other penalty to which he becomes subject, forfeit the sum of four hundred dollars.

Penalty for a false declaration or answer in cases not otherwise provided for.

91. Every officer and person employed under the authority of the "*Act respecting the collection and management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants,*" passed in the thirty-first year of Her Majesty's reign, or in the collection of the revenue within the meaning of that Act, or under the direction of any officer or officers in the Customs Department, or being an officer of the said department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such suit or information shall prove to the contrary:

Officers employed in the Customs to be deemed employed for the prevention of smuggling. 31 V. c. 5.

What averment of such employment shall suffice.

2. Any such officer or person as aforesaid, and any Sheriff or Justice of the Peace or person residing more than ten miles from the residence of any officer of Customs, and thereunto authorized by any Collector of Customs or Justice of the Peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, and may go on board of and enter into any vessel, boat, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description whatsoever, and may stop and detain

Their powers

To search.

To detain vessels, carriages, &c.

To seize in certain cases.

detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof, for prohibited, forfeited or smuggled goods;—and if any such prohibited, forfeited, or smuggled goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which at the time of such seizure belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon; and the same shall be forfeited:

To call on persons to assist.

Reasonable cause of suspicion to be their justification.

3. The officer or person in the discharge of the said duty may call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized vessels, vehicles or property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein, shall not be liable to any prosecution or action at law for any such search, detention or stoppage:

Penalty for refusing to stop;

Or to assist.

Mode of recovery.

4. Every master or person in charge of any such vessel, and every driver or person conducting or having charge of any such vehicle or conveyance, refusing to stop when required to do so by such officer or person as aforesaid in the Queen's name, and any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, and refusing so to do, shall forfeit and pay the sum of two hundred dollars,—which penalty shall be summarily recovered before any two Justices of the Peace in Canada; and in default of payment the offender shall be committed to any of Her Majesty's gaols in Canada, for a period not exceeding six months.

Power to enter building, &c., in the daytime.

Without a J. P. in certain cases.

92. Any officer of Customs having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, may, in company with a peace officer, who is hereby required to accompany him, enter such building at any time between sunrise and sunset,—but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, the two officers may forcibly enter,—and when in either case entry shall be made, the Customs' officer shall search the building, and seize all forfeited goods: these acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice resides, or where no Justice can be found within five miles at the time of search.

93.



93. Under authority of a Writ of Assistance, granted either before or after the coming into force of this Act (and all such Writs theretofore granted, shall remain in full force for the purposes of this Act), by any Judge in the Court of Queen's Bench or of the Common Pleas, in the Province of Ontario, of the Superior Court or of the Court of Vice-Admiralty in the Province of Quebec, or of the Supreme Court in Nova Scotia, or of the Supreme Court in New Brunswick, or of the Supreme Court in British Columbia, Manitoba or Prince Edward Island, having jurisdiction in the place (who shall grant such Writ of Assistance upon application made to him for that purpose by the Collector or principal officer of the Customs at the port or place, or by Her Majesty's Attorney General of Canada,)—any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, taking with him a peace officer, may enter at any time in the day or night into any building or other place within the jurisdiction of the Court granting such writ, and may search for and seize and secure any goods liable to forfeiture under this Act, and in case of necessity, may break open any doors and any chests or other packages for that purpose; and such Writ of Assistance, when issued, shall be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign.

Writs of assistance, how obtainable, and the powers of those acting under them.

How search shall be made

Duration of writ.

94. Any officer of Customs, or person by him authorized thereunto, may search any person on board any vessel or boat within any port in Canada, or in any vessel, boat or vehicle entering Canada by land or inland navigation, or any person who may have landed or got out of such vessel, boat, or vehicle, provided the officer or person so searching has reasonable cause to suppose that the person searched, may have uncustomed or prohibited goods secreted about his person; and whoever obstructs or offers resistance to such search, or assists in so doing, shall thereby incur a forfeiture of one hundred dollars; and any person who may be on board of or may have landed from or go out of such vessel, boat or vehicle, may be questioned by such officer whether he has any dutiable goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be forfeited, and he shall forfeit treble the value thereof:

Power to search the person for smuggled goods.

Penalty for resisting search.

2. Provided that before any person can be searched as aforesaid, such person may require the officer to take him or her before some Justice of the Peace, or before the Collector or chief officer of the Customs at the place, who shall, if he see no reasonable cause for search, discharge such

Proviso: as to such search.

Females.

such person, but if otherwise, he shall direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such Justice of the Peace or Collector of Customs may, if there be no female officer appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases:

Proviso: searching without reasonable cause.

3. Any officer required to take any person before a Justice of the Peace or chief officer of Customs as aforesaid, shall do so with all reasonable dispatch; and if any officer requires any person to be searched without reasonable cause for supposing that he has uncustomed or prohibited goods about his person, such officer shall forfeit and pay any sum not exceeding forty dollars.

To what place goods, &c., are to be taken.

95. If any goods, vessel or carriage, subject or liable to forfeiture under this Act, or any other law relating to the Customs, is stopped or taken by any police officer or any person duly authorized, such goods shall be carried to the Custom House next to the place where the goods were stopped or taken, or to the place which has been appointed for that purpose by the Governor in Council, and there delivered to the proper officer appointed to receive the same, within forty-eight hours after the said goods were stopped and taken.

How smuggled goods stopped on suspicion of being stolen, and taken to the police office shall be dealt with.

96. If any such goods are stopped or taken by such police officer, on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until, and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the Collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law:

Penalty on any police officer neglecting to obey this section.

2. And in case any police officer, having detained such goods, neglects to convey the same to such warehouse, or to give such notice of having stopped the same as before prescribed, such officer shall forfeit the sum of one hundred dollars; and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace; and in default of payment the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding thirty days.

97. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly.

Punishment of persons taking away goods, &c., seized—such offence to be felony.

98. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty, under the authority of this Act, or any other law in force in Canada, relating to Customs, trade or navigation, or wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to Her Majesty, or in the service of the Dominion of Canada, or maims or wounds any officer of the Army, Navy, Marine or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty, or if any person is found with any goods liable to seizure or forfeiture, under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, or staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom House, or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, such person being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly.

Punishment of persons obstructing, assaulting or resisting officers, &c.

Firing at H. M's. vessels.

Wounding persons in H. M's. service ;

Or having goods liable to seizure, and being armed or disguised ;

Or destroying vessels or goods, or any Custom house, &c.

Such offences to be felony.

99. If any officer of the Customs, or any person who, with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, is employed for the prevention of smuggling, makes any collusive seizure, or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, such officer or other person shall forfeit for every such offence the sum of two thousand dollars, and be rendered incapable of serving Her Majesty in any office whatever; and every person who gives

Penalty on officers of the Customs, &c., conniving at any evasion of the revenue laws ;

And on persons bribing.

them to connive.

gives or offers, or promises to give, or procure to be given. any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, might be evaded, shall forfeit the sum of two thousand dollars.

PROCEDURE FOR ENFORCING PENALTIES.

In what Courts penalties and forfeitures shall be recoverable.

100. All penalties and forfeitures incurred under this Act, or any other law relating to the Customs or to trade or navigation, may be prosecuted, sued for and recovered in the superior courts of law, or Court of Vice-Admiralty having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process ; and if the amount or value of any such penalty or forfeiture does not exceed two hundred dollars, the same may, in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, British Columbia, Manitoba and Prince Edward Island, respectively, also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process.

If the amount be under $200.

In whose name prosecutions may be brought.

101. All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provision be made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney General of Canada, or in the name or names of some officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party ; and if the prosecution be brought before any County Court or Circuit Court, or before any Justice or Justices of the Peace, it shall be heard and determined in a summary manner upon information filed in such court.

Summary trial in certain cases.

How penalties and forfeitures shall be recoverable in the Province of Quebec.

102. All penalties and forfeitures imposed by this Act or by any other law relating to the Customs or to trade or navigation, may, in the Province of Quebec, be sued for, prosecuted and recovered with costs by the same form of proceeding as any other moneys due to the Crown ; and all suits or prosecutions for the recovery thereof, shall, in that Province, be heard and determined in like manner as other suits or prosecutions in the same court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner as provided in this Act :

Proviso.

2. But nothing in this section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid.

103.

103. If the prosecution to recover any penalty or forfeiture imposed by this Act, or by any other law relating to the Customs or to trade or navigation, is brought in any superior court of law in either of the Provinces of Ontario, Nova Scotia or New Brunswick, British Columbia, Manitoba and Prince Edward Island, it shall be heard and determined as prosecutions for penalties and forfeitures are heard and determined in Her Majesty's Court of Exchequer in England, in so far as may be consistent with the established course and practice of the court in which the proceeding is instituted, and with any law relating to the procedure in such Province in suits instituted on behalf of the Crown in matters relating to the revenue; and any such practice and law shall apply to prosecutions for the recovery of forfeitures and penalties under this Act, in whatever court they are instituted, so far as they can be applied thereto consistently with this Act, and the venue in any such case may be laid in any county in the Province in which the proceeding is had, without alleging that the offence was there committed.

How penalties and forfeitures shall be recoverable in Ontario, N.B., N.S., &c.

Procedure.

104. Provided that if notice of intent to claim has been given and the value of the goods or thing seized do not exceed one hundred dollars, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, who shall certify them to be under the said value, and an information in writing may be exhibited in the name of the Collector at or nearest to the place of seizure before two Justices of the Peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place there to claim the articles seized, and answer the information, otherwise such articles will be condemned; and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized, if there remaining, or at two public places nearest the place of seizure: if any person appears to answer the information, the justices shall hear and determine the matter and acquit or condemn the articles, but if no person appears, judgment of condemnation shall be given; and the justices on condemnation shall issue a warrant to the Collector to sell the goods:

Proceedings before a Justice of the Peace in certain cases.

Notice to parties.

Hearing if the case is defended, &c.

2. Such two justices shall be deemed a court, and each of them to be a judge thereof for the purposes of this Act.

Court.

105. Upon the exhibiting or filing of any information or other proceeding for the recovery of any penalty or forfeiture

Defendant appearing may be required to.

give security for the penalty and costs, or be imprisoned until he does so.

forfeiture under the provisions of this Act, any judge of the court in which the prosecution is brought, may, upon affidavit filed by the officer or person bringing such prosecution, shewing that there is reason to believe that the defendant will leave the Province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district or place, until he has given security (before and to the satisfaction of such judge or some other judge of the same court) for the payment of such penalty with costs, in case he be convicted or judgment be given against him:

Sufficient averment in information, &c.

2. In any such information or proceeding it shall be sufficient to state the penalty or forfeiture incurred, and the Act or section under which it is alleged to have been incurred, without further particulars:

That the person seizing was an officer of Customs.

3. In every such information or proceeding, the averment that the person seizing was and is an officer of the Customs shall be sufficient evidence of the fact alleged unless it be contradicted by some superior officer of the Customs:

Those who sue for any penalty or forfeiture to recover full costs of suit.

How penalties and costs may be levied.

Nolle prosequi by Attorney-General.

4. And in every information, suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs, Her Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner; if in any case the Attorney General, or whoever acts in his name, is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he may see fit, and which shall be binding on all parties, reporting the same to the Minister of Customs with his reasons.

Averment as to the doing of any thing within the limits of any port.

106. In any prosecution or other proceeding, for an offence against this Act or any other law relating to the Customs, or to trade and navigation, the averment that such offence was committed within the limits of any district, county, port or place shall be sufficient without proof of such limits, unless the contrary is proved.

107.

107. If any goods are seized for non-payment of duties or any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act or any other law relating to the Customs, and any question arises whether the duties have been paid on such goods, or the same have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such forfeiture would be prevented or such penalty avoided,—the burden of proof shall lie on the owner or claimant of the goods, and not on the officer who has seized and stopped the same, or the party bringing such prosecution.

Proof that goods have paid duty to lie on the owner.

108. So soon as an information has been exhibited in any court, for the condemnation of any vessel, goods or thing so seized, notice thereof shall be put up in the office of the clerk or prothonotary of the court, and also in the office of the Collector at the port at which the vessel, goods, or thing has been seized as aforesaid; and if it be a vessel shall also be nailed on a mast thereof, or posted on some other conspicuous place on board:

Notice to be posted in the Custom House and in the office of the Clerk of the Court.

2. If the owner or person having charge of the vessel goods or thing exhibits a claim to the same or to any part thereof, and gives security, and complies with all the requirements of this Act in that behalf, then the said Court at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such vessel, goods or thing as the case requires,—otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof:

When the case shall be heard, if the claim be made, and security given.

3. No claim on behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof,—nor shall any claim be admitted, unless notice thereof has been given to the Collector within one month from the seizure as aforesaid.

Claims not to be admitted unless made within a certain time;

Nor without notice.

109. No claim to any thing seized under this Act, and returned into any of Her Majesty's Courts for adjudication, shall be admitted as valid, unless such claim is entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing is made by the owner, or by his agent knowing the fact, by whom such claim is entered, to the best of his knowledge and belief, nor unless the claimant do, at the time of entering such claim, appear and plead.

How claims must be entered in order to be valid.

110.

Claim not to be valid unless security be given to pay the costs and any penalty incurred.

110. No person so admitted to claim as aforesaid shall enter a claim to, or shall be deemed to have validly claimed any vessel, goods or thing seized in pursuance of this Act, or of any law relating to the Customs or to trade or navigation, until sufficient security has been given to the satisfaction of the court where such seizure is prosecuted, in a penalty not exeeeding two hundred dollars, to answer and pay the costs occasioned by such claim, and any penalty incurred by the claimant in respect of such vessel, goods or thing; and in default of giving such security such vessel goods or thing shall be dealt with as if no claim had been made, and, after the lapse of the period in that behalf provided, shall be deemed to be condemned.

Things seized to be deemed condemned, if not claimed within a certain time.

111. All vessels, vehicles, goods and other things seized as forfeited under this Act or any other law relating to Customs, or to trade or navigation, shall be placed in the custody of the nearest Collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold; and the proceeds of the sale may be dealt with accordingly,

Notice of claim required.

unless the person from whom they were seized, or the owner thereof do, or some person on his behalf, within one month from the day of seizure, give notice in writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall always lie upon such owner:

They may be delivered to the owner upon due security being given.

2. But any Collector of Customs may, as may also any judge having competent jurisdiction to try and determine the seizure, with the consent of the Collector at the place where the seized articles are secured, order the delivery thereof to the owner, on the deposit with him in money of a sum at least equal to the full value (to be determined by the Collector) of the goods seized and the estimated costs of the

Conditions of the bond.

prosecutor in the case, or on receiving security by bond with two sufficient sureties, to be first approved by such Collector to pay double the value and costs in case of condemnation, which bond shall be taken to Her Majesty's use in the Collector's name, and shall be delivered to and kept by such

Enforcing bond.

Collector; and in case such seized articles are condemned, the value thereof and costs shall be forthwith paid to the Collector and the bond cancelled, otherwise the money deposited shall be forfeited or the penalty of such bond shall be enforced and recovered, as the case may be.

Cattle and perishable articles seized may be sold

112. In case of the seizure of any horse or other cattle or animal, or of any perishable article, the Collector of the port at which the same has been secured as aforesaid, may sell the



the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned, and may keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant,—in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale in lieu of awarding restitution.

as if condemned.

Proceeds restored if the seizure be declared null.

2. Nevertheless, the Collector or principal officer of Customs shall deliver up to any claimant any horse, or other cattle or animal, or perishable article seized as aforesaid, upon such claimant depositing in the hands of the Collector or principal officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or principal officer, that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned.

Such cattle or article may be delivered to the owner on security being given.

113. All sales of goods forfeited or otherwise liable to be sold by any officer of the Customs under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council; but in any case, the Minister of Customs may order vessels, goods or things forfeited to be disposed of as he may see fit instead of being sold by public auction.

Sales to be by public auction.

114. The forfeiture and penalty, after deducting the expenses of prosecution, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Dominion:

Appropriation of penalty and forfeitures.

2. But the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector or chief officer of the Customs at the port or place where the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods, vessel or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may, in any case or class of cases, direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council, or the Minister of Customs, with regard to the remission of penalties or forfeitures by this Act or any other law.

Distribution of the proceeds and of penalties and forfeitures.

Power to remit penalty.

115. All actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other

Limitation of time for bringing suits

 law

for penalties, &c.

law relating to the Customs, may be commenced or prosecuted at any time within three years after the offence was committed by reason whereof such penalty or forfeiture was incurred, but not afterwards; and the goods or thing forfeited shall be liable to seizure during the same period.

Appeals from convictions before Justices of the Peace.

116. An appeal shall lie from the conviction by any Justice or Justices of the Peace under this Act, in the manner provided by law from convictions in cases of summary conviction, in that Province in which the conviction was had, on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such convicting Justices, to abide the event of such appeal:

And from County and Circuit Courts.

2. And an appeal shall also lie from the County Courts and Circuit Courts, and from decisions or judgments of the superior courts of law respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount were given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same court, in matters of like amount:

The Attorney-General or Collector, &c., appealing need not give security.

3. But if the appeal be brought by Her Majesty's Attorney General, or a Collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal.

Restoration of goods, &c., not to be prevented by appeal, provided security be given.

117. In any case in which proceedings have been instituted in any court against any vessel, goods or thing, for the recovery of any penalty or forfeiture under this Act or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the vessel, goods or thing to the claimant thereof, pronounced by the court in which the proceedings have been had, shall not be suspended by reason of any appeal prayed and allowed from such decision or judgment,—provided the party appellant gives sufficient security, to be approved of by the court, to render and deliver the vessel, goods or thing concerning which such decision or judgment is pronounced or the full value thereof, (to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said court) to the appellant, in case the decision or judgment so appealed from be reversed, and such vessel, goods or thing be ultimately condemned.

On the trial of the validity of any seizure no costs shall be recovered by plaintiff, if probable cause of;

118. If any information or suit is brought to trial, or determined on account of any seizure made under this Act or any law relating to the Customs, and a verdict is found or decision or judgment given for the claimant thereof, and the judge or court before whom the cause has been tried or brought, certifies on the record that there was probable cause of

of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution is brought to trial against any person on account of his making or being concerned in the making of such seizure, wherein a verdict or judgment is given against the defendant, the plaintiff, if probable cause is certified as aforesaid on the record, shall not, besides the thing seized or the value thereof, be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents.

seizure be certified.

Damages limited in actions arising out of seizure, if probable cause for such seizure existed.

119. If any goods, ship, or boat, be seized as forfeited, or detained as undervalued, the Minister of Customs may order the same to be restored on such terms as he may direct; and if the owner accept the terms, he shall have no action on account of the seizure or detention, nor shall any proceedings be had for condemnation; and the terms may be enforced by or on behalf of the Crown.

Minister of Customs may order restitution on terms which may be enforced.

120. Goods claimed to be exempt from duty under any Act relating to duties of Customs, shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act or Schedule; and goods not answering such description shall be seized and forfeited,—or if the Collector, under the circumstances, deems it expedient, he may detain the goods and report the case for the action of the Minister of Customs who may direct their seizure or release as he may deem expedient; and where goods in any case whatever are seized or detained as forfeited for any breach of the Customs laws, it shall be lawful for the Minister of Customs to order the release of the same, on the payment of such penalty as he may impose, provided the owner of the goods give in writing his assent thereto.

How goods claimed to be exempt from duty must be described for entry.

Forfeiture for misdescription, &c.

PROTECTION OF OFFICERS.

121. No writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling as aforesaid, for any thing done in the exercise of his office, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice; and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial, that such notice

What notice of action for things done under this Act shall be given.

What evidence only may be adduced on the trial.

7½ was

Costs.

was given;—and in default of such proof, the defendant shall receive a verdict, or judgment and costs.

Officer may tender amends and plead such tender in bar.

122. Any such officer or person against whom an action is brought on account of any such seizure, or of anything done in the exercise of his office, may, within one month after such notice, tender amends to the party complaining or his agent, and plead such tender in bar to the action, together with other pleas; and if the court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; but the defendant, by leave of the court in which the action is brought, may, at any time before issue joined, pay money into court as in other actions.

Costs to defendant if successful.

Money may be paid into Court.

Action to be brought within a certain time, and at a certain place.

123. Every such action must be brought within three months after the cause thereof, and laid and tried in the place or district where the acts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff becomes non-suited or discontinues the action, or if upon a demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given by law.

Costs.

If probable cause be certified upon the record, the plaintiff's costs and damages limited.

124. If in any such action, the court or judge before whom the action is tried certifies upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.

ORDERS OF THE GOVERNOR IN COUNCIL.

Governor in Council may make regulations: for—

125. In addition to the purposes and matters hereinbefore or hereinafter mentioned,—the Governor in Council may, from time to time and in the manner hereinafter provided, make regulations for or relating to the following purposes and matters:—

Slaughtering cattle or grinding grain in bond;

1. For the warehousing and bonding of such cattle and swine as may be slaughtered and cured, and of such wheat, maize and other grain as may be ground and packed, in bond, and of such sugar as may be refined in bond;

2.

2. For the branding and marking of all duty-paid goods and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods; Branding and marking goods, tare;

3. For declaring what shall be coasting trade, or inland navigation, respectively, and how the same shall be regulated in any case or classes of cases, and for relaxing or dispensing with any of the requirements of this Act, as to vessels engaged in such trade, on any conditions which he may see fit to impose; Coasting trade, and inland navigation;

4. For appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the canals, and respecting the horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof; Ports of entry, &c.; Passing canals, &c.;

5. For exempting from duty any flour or meal or other produce of any wheat or grain grown in and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground,—or any boards, planks or scantling the produce of any logs or timber grown in and taken out of Canada into the United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn; Exempting produce of grain or logs, grown in Canada, &c., from duty in certain cases;

6. For regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved; Quantity so exempted;

7. For authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, the allowance for accidental deficiency, and the amount of warehouse rent or license fees; Warehousing; Forms, waste, &c.;

8. For extending upon application, and if he sees fit, and either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another; Extending time for clearing warehouse goods;

9. For regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered; Transfers of goods in bond;

10. For exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption be provided for by any Act relating to Customs, and for regulating the mode of proving such exemption; Exemption from duty of goods from Newfoundland;

11.

Materials used in Canadian manufactures may be transferred to free list;

Drawback on such articles;

11. For transferring to the list of goods which may be imported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Canadian manufactures; and for granting a drawback of the whole or part of the duty paid on such articles which may have been used in Canadian manufactures; and any such materials transferred to the free list by such Order in Council, shall be free of duties of Customs from the time therein appointed for that purpose;

Distribution of penalties;

12. For appointing the manner in which the proceeds of penalties and forfeitures shall be distributed;

Taking of bonds;

Bonds taken with sanction of Minister of Customs to be valid.

13. For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission is granted to any party, or of any other condition made with such party, in any matter relating to the Customs or to trade or navigation; - and such bonds, and all bonds taken with the sanction of the Minister of Customs expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other law relating to the Customs:

Recital of case.

14. And whereas it frequently happens that goods are conveyed directly through the Canadian Canals, or otherwise by land or inland navigation, from one part of the frontier line between the Dominion of Canada and the United States to another, without any intention of unlading such goods in Canada, and that travellers in like manner, pass through a portion of Canada, or come into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, return to it with such articles,—and, though the bringing of such goods and other articles into Canada is strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon,—

Governor in Council may make regulations as to the passing of goods through the Canadian canals, &c.

With regard to all such cases as aforesaid, the Governor in Council may, from time to time and as occasion may require, make such regulations as to him seem meet, and may direct under what circumstances such duty shall be or shall not be paid, and on what conditions it shall be remitted or returned, and may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer (whether by placing officers of the Customs on board any such vessel or carriage or otherwise) as to him seem meet; and on the refusal of the importer to comply with the regulations to be so made, the duty on the goods

so imported shall forthwith become payable; and all and every horse and carriage, vehicle or goods of any kind, brought into Canada by any traveller, exempted from duty under such regulation or otherwise, shall, if sold or offered for sale in Canada, provided the duties thereon have not been previously paid, be held to have been illegally imported, and shall be forfeited, together with the harness or tackle employed therewith or in the conveyance thereof:

Forfeiture for contravention.

15. For any other purpose for which by this Act or any other law relating to the Customs or to trade and navigation, the Governor in Council is empowered to make orders or regulations;—it being hereby declared competent for him (if he deems it expedient) to make general regulations in any matter in which he may make a special order; and any such general regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein.

Other purposes.

General regulations to have the effect of special orders in cases to which they apply.

126. The Governor in Council may, by proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods;—arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited be exported, carried coastwise, or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be forfeited.

Governor in Council may prohibit the exportation, &c., of certain goods.

127. The Governor may grant yearly coasting licenses to British vessels navigating the inland waters of Canada above Montreal, and may direct that a fee of fifty cents shall be payable for each such license, and that the master, or person in charge of any vessel navigating the said waters, and not having a coasting license, shall, on entering any port in the Dominion with such vessel, pay a fee of fifty cents if such vessel is not over fifty tons burthen, and of one dollar if she is of more than fifty tons burthen, to the Collector on each entry, and a like fee of fifty cents, or one dollar, (according to the burthen of the vessel) on each clearance of such vessel at any such port; and such fees shall be payable accordingly before such vessel shall be entered or cleared: Provided that the Governor in Council may reduce or re-adjust such fees, but may not increase them; And provided also, that vessels merely passing through any of the Canadian canals without breaking bulk, shall not be liable to such fees.

Fees on vessels navigating without coasting license, on entering certain Ports.

Proviso: Readjustment of fees.

Proviso: Vessels not breaking bulk

Regulations by Governor in Council may require oaths, &c., or substitute declarations.

128. In any regulation made by the Governor in Council, under this Act, any oath, or declaration may be prescribed and required which the Governor in Council deems necessary to protect the Revenue against fraud, and any person or officer may be authorized to administer the same; and by any such regulation, a declaration may be substituted for an oath in any case where an oath is required by this Act.

Penalties and forfeitures for contravention of such regulations.

129. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation so made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited, and if such vessel be of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same court and tribunal, as if incurred by the contravention of any direct provision of this Act.

How recoverable.

Mode of publication of regulations.

130. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same have been published in the *Canada Gazette*, or from and after such later day as may be appointed for the purpose in such regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered;—and all such regulations may be revoked, varied or altered by any subsequent regulation: and a copy of the *Canada Gazette* containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever.

Revocation.

How regulations may be proved.

Certain copies of Orders in Council to be evidence.

131. Any copy of an Order of the Governor in Council made in any special matter, and not being a general regulation, certified as a true copy of such order by the Clerk of the Queen's Privy Council for Canada or his Deputy, shall be evidence of such order to all intents and purposes whatsoever.

MISCELLANEOUS PROVISIONS.

Affirmation to be made instead of an oath in certain cases, &c.

132. In every case where the person required to take any oath under any Act or regulation relating to the Customs, is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may instead of the oath hereby required make a solemn affirmation to the same effect; and every person before whom any oath is, by any such Act or regulation, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same; and the wilfully making any false statement in any such oath, shall be perjury, and the wilfully making

Punishment for false statements.

making any false statement in any such solemn affirmation, shall be a misdemeanor punishable as perjury.

133. Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel,—such importation, if made by sea, coastwise, or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of Canada; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation be by land or in any undecked vessel; and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed.

Time of importation, &c., defined;

And of exportation;

And of arrival and departure of vessels.

134. Although any duty of Customs has been overpaid, or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for repayment has been previously made.

Duties overpaid not returnable after three years, though wrongly paid.

135. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and should any error of the kind be discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the Collector in order that the same may be verified.

No refund of duties except in certain cases.

136. The Governor in Council may, under regulations to be made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a duty of Customs has been paid, a drawback equal to the duty so paid; and in cases to be mentioned in such regulations, and subject to such provisions as may be therein made, such drawback may be allowed on duty-paid goods manufactured or wrought in Canada, into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed, after the time the duty was paid shall be limited in such regulations.

Drawback on duty-paid goods exported.

Regulations to be made.

137.

By whom bonds shall be taken to Her Majesty's use.

137. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade or navigation, shall be taken by the Collector or principal officer of the Customs at the place where the same are to be taken, and to and for the use and benefit of Her Majesty; and such bonds shall be taken before the delivery of any goods, vessel, carriage or vehicle, horses or other cattle, of any kind or description whatsoever, and before the performance of any act or matter with regard to which the taking of any such bond or bonds is required.

To be given prior to the delivery, &c., of the goods.

Forms to be directed by M. of Customs and kept at Custom Houses.

138. All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in Canada, shall be in such form as the Minister of Customs shall, from time to time, direct.

Certain documents to be presumptive evidence.

139. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any Collector of Colonial Revenue in any of the British Possessions in America or the West Indies, or other British Possessions, or of any British Consul or Vice Consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs or Revenue, shall be received as presumptive evidence in reference to any matter contained in this Act or any Act relating to the Customs, or on the trial of any suit in reference to any such matter.

Person applying to transact business on behalf of another, to produce written authority.

140. Whenever any person makes any application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority, may refuse to transact such business; and any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal.

Any thing done by such agent to be binding.

Such agent may execute any bond or agreement, and thereby binding his principal.

141. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the Collector, may in his said quality validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he be cognizant of the facts therein averred; and any instrument appointing such attorney and agent shall be valid if in the form in the schedule hereunto annexed, or in any form of words to the like effect.

Appointment to be valid if in form of schedule.

142. Any partner in any unincorporated company, association or co-partnership of persons, or their attorney and agent authorized as aforesaid, may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members or of the other members of the company or association or partnership; and such entry, bond or instrument shall nevertheless bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it be a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner as aforesaid; and the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section: Provided always, that the person who, under this section, makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their Attorney," (*as the case may be*) thereunto prefixed.

Any partner may execute bond, &c., without mentioning the names of the other members, &c.

Seals

Proviso: form of signature.

143. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, chaptered six, intituled "*An Act respecting the Customs*"; and every enactment or provision in any other Act or law in force before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act, are hereby repealed, except in so far as the said Acts or enactments, or any of them, repeal any former Act or enactment—which shall remain repealed—and except in so far as relates to any duty accrued, and bond given, any right acquired, or any penalty, forfeiture or liability incurred under the said Acts or enactments or any of them, or any offence committed against them or any of them, before the coming into force of this Act; nor shall this repeal extend to any duty of Customs imposed, or any exemption or prohibition contained in any such Act,—which shall, after the coming into force of this Act, be levied, allowed and enforced under the provisions thereof, unless and until it be otherwise provided by Act of the Parliament of Canada.

Acts repealed: 31 V c. 6, and any other enactment inconsistent with this Act, &c

Effect of repeal limited.

SCHEDULE.

SCHEDULE.

Forms.

DECLARATION OF THE OWNER, CONSIGNEE, OR IMPORTER WITH THE BILL OF ENTRY.

I, the undersigned, , hereby solemnly declare that the within Bill of Entry contains a true account of the goods imported in the , whereof is Master, (*or* by the railway), (*or, as the case may be*) from , and whereof I (*or, as the case may be*)—am (*or* is or are) the owner (importer *or* consignee), that the invoice herewith produced is the true and only invoice I (*or, as the case may be*) have (*or* has) received or expect or expects to receive of the said goods, and that the prices of the goods, as mentioned in the invoice, exhibit the actual cost (*or* the fair market value) of the said goods at the time and place of exportation, and that no discounts for cash are made in the said invoice prices.

Signed at , on the day of 18 , in presence of *

* To be signed in the presence of the Collector, or of the Attorney or Agent making the entry, or of a Justice of the Peace or a Consul.

OATH OR AFFIRMATION OF AN OWNER, CONSIGNEE OR IMPORTER OR HIS AGENT.

Dominion of Canada,
Port of

I, , do solemnly and truly swear (*or* affirm) that I (*or as the case may be*) am (*or* that the firm of of which I am a partner is) the owner (consignee or importer) of the goods mentioned in the invoice now produced by me, and hereunto annexed and signed by me, and that such invoice is the true and only invoice received by me (*or* us) or which I (*or* we) expect to receive, of all the goods imported in the , whereof is Master, from , for account of me (*or as the case may be*); that nothing has been on my part, nor to my knowledge on the part of any other person, done, concealed or suppressed, whereby *Her* Majesty the *Queen* may be defrauded of any part of the duty lawfully due on the said goods; and I do further solemnly and truly swear (*or* affirm) that the invoice now produced by me exhibits to my personal knowledge the actual cost (*or* fair market value) of the said goods, at the time when the same were thence exported to Canada, in the markets in , without any

any deduction or discount for cash or otherwise howsoever : So help me God.

Sworn (*or* affirmed) before me, this day of 18 .

Collector.
(*or as the case may be*).

OATH OR AFFIRMATION OF AN AGENT OF THE OWNER, CONSIGNEE OR IMPORTER.

Dominion of Canada,
Port of

I, , do solemnly and truly swear (*or* affirm) that I am the authorized agent of (*as the case may be*), and that I have the means of knowing, and do know, that the invoice now presented by me to the Collector of Customs for the Port of , is the true and only invoice by him (*or* them) received of all the goods imported in the , whereof is Master, from , for his (*or* their) account ; that nothing has been on my part, nor, to my knowledge, on the part of any other person, done, concealed or suppressed, whereby *Her* Majesty the *Queen* may be defrauded of any part of the duty lawfully due on the said goods ; and I do further solemnly and truly swear (*or* affirm) that, to the best of my knowledge and belief, the said is (*or* are) the owner (*or* owners) of the goods mentioned in the said Bill of Entry hereunto annexed, as therein respectively stated, and that the invoice now produced by me exhibits the actual cost (*or* fair market value) of the said goods at the time when the same were thence exported to Canada, in the markets in of the said goods, without any deduction or discount for cash or otherwise howsoever : So help me God.

Sworn (*or* affirmed) before me this day of , 18 .

Collector.
(*or as the case may be.*)

OATH OR AFFIRMATION OF AN OWNER, CONSIGNEE OR IMPORTER OR AGENT, ON ENTERING MERCHANDISE WITHOUT INVOICE.

Dominion of Canada,
Port of

I, , do solemnly and truly swear (*or* affirm) that the Bill of Entry now delivered by me to the

the Collector of Customs for the Port of ,
contains a just and true account of all the goods imported for me or on my account, (*or* on account of , for whom I am authorized to enter the same,) in the , whereof is Master, from ; that the Bill of Lading now produced by me is the true, genuine and only Bill of Lading by me received of the said goods; and that I have not received and do not know of any invoice or other account whatever having been received of the said goods; I do further swear (*or* affirm) that if I hereafter discover any other or greater quantity of goods than is contained in the entry aforesaid, or receive or obtain a knowledge of any invoice of the whole or any part thereof, I will immediately report the same to the Collector of this Port; I also swear (*or* affirm) that nothing has been concealed or suppressed in the entry aforesaid whereby to avoid the just payment of the duties imposed by the laws of the Dominion of Canada: and that all matters are justly and truly expressed therein to the best of my knowledge and belief: So help me God.

Sworn (*or* affirmed) before me, this day of , 18 .

Collector.
(*or as the case may be*).

[The wording of any of these oaths or affirmations may be changed to suit the circumstances of the case, and the provisions of the law; and the oath or affirmation will be sufficient, provided the requisite facts are distinctly stated and sworn to or affirmed.

All the foregoing forms in this Schedule may be altered, or new forms substituted under section forty.]

APPOINTMENT OF AN ATTORNEY OR AGENT.

Dominion of Canada.

Know all men by these presents, that I (*or* we), (*A. B. & Co.*), have appointed and do hereby appoint *C. D.*, of (*residence, profession, etc.*), to be my (*or* our) true and lawful Attorney and Agent, for me (*or* us) and in my (*or* our) name to transact all business which I (*or* we) may have with the Collector at the Port of , or relating to the Department of the Customs at the said Port, and to execute, sign, seal and deliver for me (*or* us) and in my (*or* our) name, all bonds, entries and other instruments in writing relating to any such business as aforesaid, hereby ratifying and confirming all that my (*or* our) said Attorney and Agent shall do in the behalf aforesaid.

In

In witness whereof, I (*or* we) have signed these presents, and sealed and delivered the same as my (*or* our) act and deed, at , in the said Dominion, this day of , one thousand eight hundred and

A. B. & Co. [L.S.]

By
one of the partners in the said firm.
(*or as the case may be.*)

In presence of E. F.
and G. H.

OATH OR AFFIRMATION OF THE MASTER OF A VESSEL REPORTED INWARDS.

I, , master of the ship or vessel called the , of tons measurement or thereabouts, last cleared from the port of , do solemnly swear (*or* affirm) that since the said vessel was so cleared, I have not broken bulk, nor has any part of her cargo been discharged or landed, or moved from the said vessel; and I do further swear that the manifest now exhibited by me and hereto annexed, doth, to the best of my knowledge and belief, contain a full, true and correct account of all the goods, wares and merchandise laden on board such vessel at the said port of or at any other port or place during her present voyage: So help me God.

Sworn (*or* affirmed) at , this day of .
18 , before me,

Collector. *Master*

CHAP

CHAP. 11.

An Act to amend certain Acts respecting duties of Customs and Excise.

[*Assented to 28th April*, 1877.]

Preamble.

IN amendment of the several Acts hereinafter mentioned, respecting duties of Customs and Excise, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain Duties of Excise altered. 31 V., c. 8.

1. In lieu and stead of the duties of Excise imposed on the articles hereinafter mentioned by the Act thirty-first Victoria, chapter eight, intituled "*An Act respecting the Inland Revenue*," the following duties of Excise shall be raised, levied, collected and paid, viz:—

Malt.

On every pound of malt, two cents;

Malt or other fermented liquor.

On every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, eight cents:

Proviso: Drawback on sugar used.

Provided that brewers using sugar in the manufacture of beer, and paying the above mentioned duty on the beer made therewith, may receive a drawback equal to the duty of excise paid by them on the malt used with such sugar in making such beer.

Certain specific duties under 31 V., c. 44, and other Acts repealed and new duties imposed.

2. So much of Schedule A of the Act thirty-first Victoria, chapter forty-four, intituled "*An Act to amend the Act of the present Session, intituled 'An Act imposing duties of Customs, with the tariff of duties payable under it,'*" or of any Act amending it, or of any other Act, as imposes any specific duty of Customs on any of the goods or articles hereinafter mentioned, is hereby repealed, and in lieu of the duties thereby imposed, the following duties of Customs shall be raised, levied, collected and paid, viz:—

The duties.

On Cigars, including Cigarettes, 50 cents per pound, and 20 per centum *ad valorem*.

On Tea—Green or Japan.............per lb., 6 cents.

On Tea—Black.................................. " 5 cents.

On Cologne Water and Perfumed Spirits, when in flasks or bottles not weighing more than 4 oz...............25 per centum *ad valorem*.

On Malt..................................per lb., 2½ cents.

On

On Oils, viz.:—Coal and Kerosene, distilled, purified and refined, Naphtha, Benzole and Petroleum, Products of Petroleum, Coal, Shale and Lignite, not otherwise specified, and Crude Petroleum, per wine gallon.................... 6 cents.

3 So much of Schedule B of the Act last mentioned, or any Act amending it, as imposes any duties of Customs upon ale, beer and porter is hereby repealed, and in lieu of the duties thereby imposed, the following specific duties of Customs shall be raised, levied, collected and paid thereon, viz:— Certain other duties repealed and others substituted.

On Ale, Beer and Porter, when imported in bottle (six quart and twelve pint bottles to be held to contain an Imperial gallon) per Imperial gallon.... 18 cents.

On Ale, Beer and Porter, when imported otherwise than in bottle, per Imperial gallon.................................. 12 cents.

4 So much of the Act thirty-seventh Victoria, chapter six, intituled "*An Act to amend the Act thirty-first Victoria, chapter forty-four, and other Acts amending the same, and the tariff of duties of Customs imposed by the said Acts, and to alter certain duties of Excise,*" or of any Act amending it, as imposes a duty of Customs of ten per centum *ad valorem* upon the following goods, viz.:— Certain duties under 37 V., c 6, repealed and others substituted

Cotton Thread, in hanks, coloured and unfinished, numbers three and four ply—white—not under number twenty yarn;

Cotton Warp, not coarser than number forty;

Cotton Thread on spools;

Machine Twist and Silk Twist;

Linen Machine Thread;

is hereby repealed, and the said goods shall be held to be and shall be dealt with as non-enumerated articles, subject to a duty of Customs of seventeen and one-half per centum *ad valorem.*

5. So much of Schedule C. of the said Act thirty-first Victoria, chapter forty-four, or of any Act amending it, or of any Order in Council, as admits the following goods free of duty, viz:— Certain goods now free, subjected to duty.

Tubes and Piping, of brass, copper and iron, drawn;

Cotton Thread in hanks, coloured and unfinished, number six ply—white—not under number twenty yarn;

is hereby repealed; and the following duties of Customs shall be raised, levied, collected and paid on the same, viz:—

On Tubes and Piping, of brass, copper or iron, drawn, seventeen and one-half per centum *ad valorem*; Provided always, that in case of any tubing actually used in the manufacture of boilers, a drawback of the said duty shall be allowed under such regulations as may be prescribed by the Governor in Council;

On Cotton Thread in hanks, coloured and unfinished, number six ply—white—not under number twenty yarn, ten per centum *ad valorem*.

Act 37 V., c. 6, amended as to computation of value of wines for duty.

6. So much of the said Act thirty-seventh Victoria, chapter six, as imposes a specific duty of Customs on wines is hereby amended, and shall be subject to the following provision:—In computing the worth of all wines there shall be included the cost of bottling, corking, wiring, labelling, and of the materials used therein, and all other expenses incurred prior to actual shipment,—except the cost of bottles and packages which shall remain subject to the duty of seventeen and one-half per centum *ad valorem*, provided by the next following section.

Duties on non-enumerated goods and packages repealed.

7. So much of any Act or Schedule as imposes any duty of Customs on non-enumerated goods and packages is hereby repealed, and the following provisions substituted therefor, that is to say:—

And other duties substituted.

The value of all bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels, and all other vessels or packages manufactured of tin, iron, lead, zinc, glass or any other material, and capable of holding liquids; crates containing glass, china, crockery or earthenware, and all packages in which goods are commonly placed for home consumption, including cases in which bottled spirits, wines or malt liquors are contained, and every package, being the first receptacle or covering, enclosing goods for purposes of sale, shall, in all cases in which they contain goods subject to an *ad valorem* duty be taken and held to be a part of the fair market value of such goods for duty; and when they contain goods subject to specific duty only, such packages shall be charged with a duty of Customs of seventeen and one half per centum *ad valorem*, to be computed upon their original cost or value; and all goods not enumerated in this Act or any other Act as charged with

any

any duty of Customs, and not declared free of duty by some unrepealed Act or provision, shall be charged with a duty of Customs of seventeen and one half per centum *ad valorem* when imported into Canada or taken out of warehouse for consumption therein; but all packages not hereinbefore specified, and not specially charged with duty by any unrepealed enactment, and being the usual and ordinary packages in which goods are packed for exportation, according to the general usage and custom of trade, shall be free of duty. Proviso.

8. The Act thirty-first Victoria, chapter fifty, intituled "*An Act to increase the Excise Duty on Spirits, to impose an Excise Duty on Refined Petroleum, and to provide for the inspection thereof,*" is hereby repealed. Act 31, V., c. 50, repealed.

9. The foregoing sections of this Act shall be held to have come into force, and the duties therein mentioned and imposed shall be held to have been imposed and substituted for those imposed by the enactments thereby repealed, on the twentieth day of February in the present year of our Lord one thousand eight hundred and seventy-seven, and to have been and to be payable on all goods imported or taken out of warehouse for consumption upon or after the said day. From what time the foregoing provisions have had effect.

CHAP. 12.

An Act to amend "An Act respecting the Inland Revenue."

[*Assented to 28th April,* 1877.]

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Inland Revenue,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 31 V., c. 8.

AMENDMENTS AFFECTING DISTILLERS AND MANUFACTURERS OF STILLS.

1. Section two of the said Act is hereby amended as follows,— Sec. 2 amended.

1. By adding to the definition of a *distillery* the following paragraph, after the word "whatever" where it occurs the second time in the thirteenth line of the said definition,— Interpretation "Distillery."

 "Where

"Where any still, rectifier or other apparatus, suitable for the manufacture of wash, beer or spirits, is in whole or in part manufactured, made or kept;"

2. By adding to the definition of a *distiller*, at the end thereof, the following paragraph,—

"Or who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits."

Sec. 3 repealed.

2. Section three of the said Act is repealed, and the following substituted therefor:—

New section. Business not to be carried on without license.

"3. From and after the passing of this Act, no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, or brewer or maltster, or of a manufacturer of tobacco, or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise; or import or make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits:

Notice to be given of making and having possession of apparatus.

"2. Neither shall it be lawful for any person or persons to import, make or have in his or their possession, or keep any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, or any malt-kiln or malt-floor, nor any apparatus for the manufacture or production of malt, nor any tobacco press or mill for cutting or grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July in each subsequent year, a full and particular list, description and return thereof to the Collector of Inland Revenue, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery;

Exception as to beer brewed for private use.

"3. Except that utensils used by any person solely for the purpose of brewing beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use:

Or tobacco grown for private use.

"4. Nor shall any person growing tobacco on his own lands or property and manufacturing the same for his own private use and not for sale, require a license for so doing, nor shall the tobacco so manufactured be subject to excise duty:

"5.

"5. Every person who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits shall, before the importation or making thereof is commenced, report in writing his intention in relation thereto, to the nearest officer of Inland Revenue, stating,— Importation or making of apparatus to be reported.

(*a.*) The name and residence of the person for whom or for whose account he is about to import or make such still, worm, rectifier or other apparatus, Details of report.

(*b.*) The material of which it is to be made,

(*c.*) The capacity of any such still, worm, rectifier or other apparatus."

3. The following sub-section is hereby added to the fourteenth section of the said Act, at the end thereof :— Sec. 14 amended.

"2. A license to import or make (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever." Conditions of license and security to be given by an importer or manufacturer of apparatus.

4. The following sub-section is hereby added to the twenty-fifth section of the said Act, at the end thereof :— Sec. 25 amended.

"2. Every person who applies for a license to import or manufacture (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, shall, when applying for such license, pay to the Collector of Inland Revenue the sum of thirty dollars." License dues for importation or manufacture of apparatus.

5.

Sub-sec. 2 of sec. 33 repealed.

5. Sub-section two of the thirty-third section of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New sub-section. What shall be a working of a distillery.

"2. Any use made of any still, worm, mash-tub, or fermenting-tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or for the distillation or rectification of any spirits, or for fermenting any beer or wash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus shall be deemed to be a working of a distillery, and acting as a distiller, within the meaning of this Act."

Sec. 80 amended.

6. Section eighty of the said Act is hereby amended by inserting after sub-section eleven, as to distilleries, the following:—

Further details required as to distilleries.

"12. The number of stills, worms, rectifying or other apparatus, or part thereof suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, imported, made or in process of manufacture in such distillery, or by such distiller, showing with reference to each,—

"(*a*.) The capacity of each apparatus or part thereof;

"(*b*.) The name and residence of the person for whom such apparatus or part thereof is imported or made or in process of being imported or made;

"(*c*.) The time at which every such apparatus or part thereof is to be imported or made;

"(*d*.) The date at which such apparatus or part thereof has been or is to be removed from the distillery;

"(*e*.) The material of which such apparatus is or is to be made;"

Sec. 127 repealed.

7. Section one hundred and twenty-seven of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New section. Penalty for carrying on any business subject to excise, without license.

"**127.** Any person who, after the passing of this Act, and without having a license under it then in force, shall—

"(*a*.) Distil or rectify any spirits, or make or ferment any beer; or—

"(*b*.) Assist in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or—

"(*c*.)

"(*c.*) Import, make, commence to make, sell, offer for sale or deliver any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus; or—

"(*d.*) Who completely or partially sets up or assists in setting up, or prepares or partially prepares for working, any such still, worm, rectifying or other apparatus; or—

"(*e.*) Who has in his possession any such still, worm, rectifying or other apparatus, or any part or parts thereof, partially or completely set up, or ready or partly ready for work in any place or premises owned by him or under his control without having given notice thereof as required by this Act; or—

"(*f.*) Who conceals or allows to be concealed in or about any place or premises owned or controlled by him, any such still, worm, rectifier or other apparatus, or part thereof; or—

"(*g.*) Who conceals by removing, or assists in concealing by removing or otherwise, any such still worm, rectifying or other apparatus,—

"Shall be guilty of a misdemeanor, and on conviction thereof shall pay a penalty of five hundred dollars, and shall be imprisoned with hard labour for a period of not less than six, and not exceeding twelve months; and— Misdemeanor, and how punishable

"All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash, or spirits that may be found in the possession of any unlicensed person, or in any unlicensed place, shall be seized by any Officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and may either be destroyed when and where found, or removed to some place of safe-keeping at the discretion of the seizing officer; Apparatus may be seized.

"2. Any person who, after the passing of this Act, and without having a license under it then in force, shall— Penalty for doing certain things without license.

"(*a.*) Make any malt or steep any grain for the purpose of malting; or—

"(*b.*) Brew any beer or any fermented liquor, except for the use of himself or family; or—

"(*c.*) Manufacture or prepare for sale or consumption any tobacco or snuff, except tobacco grown by himself, and manufactured by him for his own private use; or—

"(*d.*)

"(*d*.) Who, claiming to have grown any tobacco, and manufactured it solely for his own use, shall sell or barter away any tobacco so manufactured—

Penalty.

"Shall forfeit and pay a penalty of two hundred dollars."

Sec. 129 repealed.

8. Section one hundred and twenty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New section Goods and apparatus may be seized when no license has been taken out.

"**129**. All grain, malt, raw tobacco, and all other material in stock, and—

"2. All engines, machinery, utensils, worms, stills, mash-tubs, fermenting tuns, tobacco-presses or knives, and—

"3. All tools or materials suitable for the making of stills, worms, rectifying, or similar apparatus, and—

"4. All spirits, malt, tobacco, snuff, cigars, and other manufactured or partly manufactured articles,—

'Which may at any time be found in any distillery, malt house, brewery, tobacco manufactory, bonded manufactory, or other premises or place where anything is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out; and—

Seizure of horses, vehicles, &c.

"5. All horses, vehicles, and other appliances which have been or are being used for the purpose of removing any spirits, malt, tobacco, or apparatus used in the production of any article subject to excise in contravention of this Act,—

Seizure and forfeiture.

"Shall be liable to be seized by any officer of the Inland Revenue having a knowledge thereof, and to be forfeited to the Crown, and may either be destroyed when and where found; or removed to some place for safe-keeping at the discretion of the seizing officer."

Section 130 amended.

9. Section one hundred and thirty of the said Act is amended by striking out the words "still," "worm," "mash tub," "fermenting tun," "distilling," "rectifying," wherever they occur in the said section.

Sec. 147 amended as to penalty.

10. Section one hundred and forty-seven of the said Act is amended by striking out all after the word "felony," and inserting the following in lieu thereof: "and shall, on conviction, be imprisoned with hard labour for a period of not more than three years."

AMENDMENTS

AMENDMENTS AFFECTING MALTSTERS.

11. Section twenty-seven of the said Act is hereby repealed, and the following substituted :— Sec. 27 repealed.

"**27.** The party in whose favour a license for malting is granted shall, upon receiving such license, pay to the Collector of Inland revenue,— New provisions substituted.

"(*a.*) For a first-class license, which shall entitle him to work a malt house having a capacity to produce two thousand centals and upwards of malt during one month's working, two hundred dollars ;

"(*b.*) For a second-class license, which shall entitle him to work a malt house having a capacity to produce one thousand five hundred and not more than two thousand centals of malt during one month's working, one hundred and fifty dollars ;

"(*c.*) For a third-class license, which shall entitle him to work a malt house having a capacity to produce one thousand centals and not more than one thousand five hundred centals of malt during one month's working, one hundred dollars ;

"(*d.*) For a fourth-class license, which shall entitle him to work a malt house having a capacity to produce five hundred and not more than one thousand centals of malt during one month's malting, fifty dollars ;

"The capacity in each case to be as computed by the Collector of Inland Revenue, upon a survey of the premises for which a license is required." Capacity how ascertained

12. Section thirty-nine of the said Act is hereby amended by inserting after the words "by gauge" in sub-section one the words "and by weight" Sec. 39 amended.

13. Section fifty-seven of the said Act is hereby repealed, and the following substituted :— Sec. 57 repealed.

"**57.** All grain brought into any malt house shall be weighed and the quantity shall be stated in all books, returns and accounts made under this Act in centals and parts of a cental ; New section. Weighing of grain.

"2. For the purpose of comparing the several gauges of grain required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches ; Malt measure established.

"3.

Grain in steep.

"3. The quantity of grain placed in steep in any malt house shall be stated in centals and in malt measures;

Grain to be stated in malt measures.

"4. All the quantities of grain in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in malt measures;

Quantity of malt removed from kiln.

"5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by gauging and weighing, and shall be stated in all books and returns made under this Act in malt measures and centals."

Sub-sec. 4 of sec. 66 amended.

14. Sub-section four of section sixty-six of the said Act is hereby amended by adding the following thereto after the word "malt":—

Proportions of grain and malt.

"(*a*.) One hundred pounds of barley or other grain weighed into the cistern shall be held to be equal to not less than seventy-five pounds of malt taken from the kiln:"

Sub-sec. 5 repealed.

And sub-section five of the said section is hereby repealed and the following substituted therefor:—

New sub-section. Principal gauge and weight for duty.

"5. The principal gauge and weight whereby the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from any other gauging or weighing, or series of gaugings or weighings, is greater than the final gauge of the malt, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of any two sets of guagings or weighings, taken as aforesaid, exceeds seven per cent., the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns."

If the difference exceeds 7 per cent. fraud presumed.

CHAP. 13.

An Act to amend "An Act to impose License Duties on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs."

[*Assented to 28th April*, 1877.]

Preamble. 37 V. c. 8.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to impose License Duties on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs*," Her Majesty, by and with the

the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 1 amended.

1. The first section of the said Act is hereby amended by adding to the definition of *Adulterated Food or Drink*, at the end thereof, the following words :—

Definition.

" Or from which any essential constituent part or ingre-
" dient has been in whole or in part abstracted."

CHAP. 14.

An Act to provide for the Inspection of Petroleum.

[*Assented to 28th April*, 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Definition of Petroleum.

1. The word "petroleum" means, in this Act, every description of refined petroleum, or other product of crude petroleum, sold or used for illuminating purposes.

Cases for inspection.

2. From and after the passing of this Act, it shall not be lawful to sell, offer for sale or have in possession any petroleum not herein exempted from inspection which has not been inspected or offered for inspection under this Act.

Inspection how performed.

3. The inspection of petroleum under this Act shall be performed by officers of the Inland Revenue, or of the Customs, duly authorized thereto by regulation of their respective departments, or by such other persons as may be designated for that purpose by the Governor in Council.

Fire-test 105° Fahrenheit.

4. The standard fire-test shall be one hundred and five degrees of Fahrenheit's thermometer; and any petroleum which, at a temperature below the standard, gives off a vapour that will ignite or explode on the application of flame, shall be deemed to be explosive, and the package in which it is contained shall be branded accordingly.

How branded.

How the test shall be applied.

5. The test for determining the temperature at which petroleum will give off a vapour that will ignite on the application of flame, shall be applied in such manner, under such regulations, and by means of such pyrometers or other instruments as may be, from time to time, determined by departmental regulations in that behalf.

6.

Packages inspected, how marked.

6. Every package containing petroleum shall, so soon as it has been inspected and found of the proper standard, have legibly branded or marked thereon, the word INSPECTED, and the word EXPLOSIVE, (if found to be so) and the name of the Inspector.

Petroleum for exportation exempted.

7. Packages containing petroleum which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected and branded as hereinbefore prescribed, upon the request of the owner thereof;

Proviso if offered for sale.

but if any petroleum for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to inspection.

Seizure and forfeiture in certain cases.

8. All petroleum liable to inspection, sold, or offered for sale without having been, immediately after being manufactured or imported into Canada, inspected, shall be subject to seizure by any officer of Customs or Inland Revenue, and forfeited unless proved to be held for exportation.

As to contravention of this Act.

9 Any person who neglects or refuses to procure the inspection of any petroleum liable to inspection in his possession or under his control; or—

2. Who has in his possession any such petroleum which has not been inspected, or which is contained in packages which have not been branded as herein required; or—

3. Who has in his possession or under his control any petroleum in respect of which any requirements of this Act have not been complied with,—

Penalty.

Shall be held guilty of an offence against this Act, and, upon conviction, shall incur a penalty not exceeding five dollars for every package in respect of which such offence has been committed.

Fees for inspection

10. The following fees shall be levied or collected for the inspection of petroleum, which fees shall be paid to the inspecting officer at the time the inspection is made, namely:—

For every package containing more than ten but not more than fifty gallons........................ 5 cents.

For every package containing not more than ten gallons .... 3 "

For every package containing more than fifty gallons, five cents for each additional fifty gallons or fraction of fifty gallons.

11. All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable with costs before any Justice of the Peace. How to be paid or recovered.

12. Whosoever, with a fraudulent intention, alters, effaces or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, either with the proper marking instruments of such Inspector, or with counterfeit imitations thereof, or empties or partially empties any such package marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum, any old package bearing inspection marks,—or (not being an Inspector of petroleum) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum; and any person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, shall, for such offence, incur a penalty of forty dollars; and any Inspector who inspects or brands, or marks any petroleum out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act shall, for each such offence, incur a penalty of one hundred dollars.

Penalties for effacing, altering or counterfeiting inspection marks, &c.

Or being privy to any like offence, &c.

Or acting out of proper limits, &c.

The penalty.

13. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality of any petroleum, shall, for every such offence, incur a penalty not exceeding one hundred dollars. Penalty for assuming to be Inspector without authority.

14. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, not exceeding forty dollars, shall, except when it is otherwise herein provided, be recoverable by any Inspector in a summary way before any two Justices of the Peace for the place, in their ordinary or other sessions, and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices, against the goods and chattels of the offender; Recovery of penalties up to $40.

Penalties above $40.

2. And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, by bill, plaint, information or civil action, in any Recorder's Court, or in any other Court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt;

Application.

3. And all such penalties, when recovered, shall belong to the Crown for the public uses of the Dominion.

Limitation of suits under this Act.

15. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases.

Costs.

Provision where Petroleum is sold subject to inspection.

16. In all cases where any petroleum is sold subject to inspection, the person applying to the Inspector shall be entitled to re-imbursement of the cost of inspection from the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection; and such agreement to submit to inspection shall imply a warranty that the petroleum in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such petroleum and the packages in which it is contained, unless it be otherwise expressly stipulated.

CHAP. 15.

An Act to amend the Act respecting Weights and Measures.

[*Assented to 28th April,* 1877.]

Preamble. 36 V., c. 47.

IN amendment to the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting Weights and Measures;*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1

1. The fifth section of the said Act is hereby repealed, and the following section substituted in lieu thereof :— S. 5 repealed.

"5. The bushel measure known as the "Imperial bushel," containing eight Imperial or standard gallons, shall be the standard measure of capacity for commodities sold by dry measure, from which all other measures of capacity in respect of such commodities shall be derived, computed and ascertained; and all such measures shall be taken in parts or multiples or certain proportions of the standard bushel. The standard bushel shall be held to be the measure agreed to, unless otherwise stipulated, agreed to or understood between the parties to any sale of goods sold by dry measure. New section. Standard of capacity; dry measure. Imp. bushel

"1. The hundred weight for weighing all goods, wares and commodities whatsoever sold by the hundred weight or ton weight, shall consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds, and the ton weight used for the said purposes shall consist of twenty hundred weight, as herein established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds; and the said hundred weight and ton weight as herein established, with their parts, multiples and proportions, shall be the standard weights for the weighing of all goods, wares and commodities. And in all cases in which a duty or toll is imposed by law upon and by the hundred weight or the ton, such duty or toll shall be chargeable on the hundred weight or ton as herein established. Hundred weight and ton.

"2. All public weighers and measurers shall be bound to use the aforesaid standard of hundred weights and tons, and certify the weighing of any such goods, wares and commodities, according to such standard, and in default of so doing shall incur a penalty of twenty dollars for the violation of the aforesaid provision. Public weighers to use said measures and weights.

"3. And in all contracts for the purchase of goods, wares and other commodities whatsoever, sold by weight, the same shall be regulated by and according to the aforesaid standards, and the amount shall be specified by centals and parts of the cental. Contracts by weight to be by cental.

"4. But in contracts for the sale or delivery of any of the articles in this sub-section mentioned, the standard bushel shall be taken and intended to mean the weight of a bushel, as hereinafter mentioned, and not a bushel in measure, or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties :— Bushel by weight for certain articles.

Wheat,

Wheat, sixty pounds;
Indian Corn, fifty-six pounds;
Rye, fifty-six pounds;
Peas, sixty pounds;
Barley, forty-eight pounds;
Oats, thirty-four pounds;
Beans, sixty pounds.
Clover Seed, sixty pounds;
Timothy Seed, forty-eight pounds;
Buckwheat, forty-eight pounds;
Flax Seed, fifty pounds;
Hemp Seed, forty-four pounds;
Blue Grass Seed, fourteen pounds;
Castor Beans, forty pounds;
Potatoes, Turnips, Carrots, Parsnips, Beets and Onions, sixty pounds;
Salt, fifty-six pounds;
Dried Apples, twenty-two pounds;
Dried Peaches, thirty-three pounds;
Malt, thirty-six pounds.

Proviso as to use of wine gallon in certain cases.

"5. Provided that the wine gallon of 231 cubic inches, and the Winchester bushel of 2150 $\frac{42}{100}$ cubic inches, may be used in any case by special understanding between the parties to any contract or agreement, and the ratio or proportion which such measures shall bear to the standard measures shall be as follows:—six wine gallons shall be equal to five standard gallons; one Winchester bushel and thirty-one thousandth parts thereof shall be equal to one standard bushel:

Verification of multiples and sub-multiples.

"6. Provided also that the Governor in Council may make such provisions, not inconsistent with this Act, for the inspection and verification of the measures authorized in the foregoing proviso and their multiples and sub-multiples, as may be deemed necessary for the protection of the public."

S. 26 repealed.

2. The twenty-sixth section of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New section. Yearly re-verification.

"**26.** Within two months of the expiration of one year from the first verification and stamping, and of each period of one year after each subsequent verification, every weight, measure and weighing-machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper Deputy Inspector; and the production of the certificate shall be *primâ facie* evidence of the verification and stamping or re-verification having taken place within the period prescribed by law.

"2

"2. But on any subsequent verification of the said weights, measures, or weighing-machines, the party having them in his possession shall be liable to pay the full fees for such verification and stamping only when such weights, measures and weighing-machines shall be found deficient or incorrect, otherwise he shall be bound to pay only one-fourth of such fees and charges." Limitation of Fees payable therefor.

3. The twenty-seventh section of the said Act is hereby repealed, and the following substituted in lieu thereof:— S.27 repealed.

PENALTIES.

"**27**. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who, after the expiration of the time appointed under this Act for the first inspection in the inspection division in which he carries on his business, uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any land, goods, materials, or other thing, for the purpose of charging for or ascertaining the price to be paid or the charge to be made therefor, any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, shall be guilty of an offence against this Act, and shall, on conviction, incur a penalty of not more than fifty nor less than five dollars for each such offence; and every such unstamped, light, deficient or unjust weight, weighing-machine or measure so used, found in his possession, shall, on being discovered by the Deputy Inspector, be forfeited and forthwith seized and broken by him, without suit or other authority than this Act. New section. Penalties for using uncertified weights or measures.

"2. But the manufacturer of or dealer in weights, measures or weighing-machines, who has in his possession for sale, any weight, measure or weighing-machine, shall not be bound to have the same inspected and stamped according to this Act, so long as the same remain in his manufactory or warehouse. Exception in certain cases, as to dealers in weights and measures.

"3. Any trader, not being a manufacturer or dealer in weights, measures, or weighing-machines, having in his possession such weights, measures or weighing-machines unstamped, shall be liable to a penalty of fifty dollars for the first offence, and for each subsequent offence to a penalty of one hundred dollars; and the Deputy Inspector shall forthwith seize such weights, measures, or weighing-machines, and keep the same until such penalty shall be paid, together with the fees chargeable for the stamping thereof; and in default of payment of the penalty and fees within the time specified by the conviction, the said weights, measures and weighing-machines shall be forfeited." Parties not manufacturers or dealers to be liable to the penalty.

Section 30 repealed.

4. Section thirty of the said Act is hereby repealed and the following substituted in lieu thereof:—

New section. Penalty for refusing to produce weights, &c., for inspection.

"**30.** Any person, not being a manufacturer or dealer in weights, measures and weighing machines, who refuses to produce for inspection when required to do so by any Inspector or Deputy Inspector appointed under this Act, all weights, measures and weighing machines in his possession and used, or capable of being used, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise, or thing, or for the purpose of charging for or ascertaining the price to be paid, or the charge to be made for any goods, or any work or service rendered, or—

Or refusing to permit inspection.

"2. Any person, except the manufacturer and dealer, who refuses to permit the inspection when required in the manner herein provided, of any weights, measures or weighing machines sold or offered for sale by him,—

The penalty.

"Shall, on conviction, forfeit and pay a sum not exceeding twenty dollars for the first, and forty dollars for the second or any subsequent offence."

S. 34 repealed.

5. Section thirty-four of the said Act is hereby repealed and the following substituted in lieu thereof:—

New section. Recovery of penalties.

"**34.** All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction, or any Justice of the Peace for the district, county or place in which the offence was committed, if such forfeiture or penalty does not exceed fifty dollars, and before any two such Justices, or any Magistrate having, by law, the power of two such Justices, if it exceeds fifty dollars, upon proof by confession, or by the oath of one credible witness, and may, if not forthwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such Justice, Justices or Magistrate,—by whom also any imprisonment to which the offender is liable may be awarded; and to all such cases the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," shall apply, subject to the provisions of this Act.

32, 33 V., c. 31.

Appropriation of penalties.

"2. One-half of any penalty so recovered shall belong to th party suing for the same, not being a Deputy Inspector, or any officer acting in pursuance of this Act, and the other half, or, if the party suing is an officer acting in pursuance of

of this Act, the whole penalty, shall belong to Her Majesty, for the uses of the Dominion.

"3. All false weights, beams, balances and weighing-machines seized as forfeited under this Act, shall be delivered to the District Inspector, in whose custody they shall remain, subject to the order of the Department of Inland Revenue. Custody of forfeited weights.

"4. Every such suit shall be instituted in the name of the Inspector or Deputy Inspector, acting in pursuance of this Act, who shall account for the same to the Department of Inland Revenue. In whose name suit shall be brought.

"5. Any party aggrieved by the use of any weight or measure, or weighing machine, which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, may recover treble damages and costs." Party aggrieved by false weights, &c.

6. Section forty-one of the said Act is hereby repealed, and the following substituted in lieu thereof:— S. 41 repealed.

"**41.** No officer appointed under this Act shall be a maker or seller of weights, measures or weighing machines, but he shall be allowed to adjust or alter, or cause to be adjusted or altered, any weight, measure or weighing machine verified by him or submitted to him for verification, upon compensation for the value of such adjustment or alteration." New section. No officer to be maker or seller of weights.

7. This Act shall be read and construed as one and the same Act with the Act hereby amended. Construction of Act.

CHAP. 16.

An Act to amend the Act respecting the Culling and Measuring of Timber.

[*Assented to 28th April*, 1877.]

IN amendment to the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act, chapter forty-six, of the Consolidated Statutes of Canada, intituled 'An Act respecting the Culling and Measuring of Timber,'*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 38 V. c. 34.

1. The office of Collector of slide dues at Quebec, and the office of Supervisor of Cullers shall be held by the same person. Certain offices consolidated.

Section 12 repealed.

2. Section twelve of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New section substituted. Governor in Council may make regulations for certain purposes.

Superannuation allowance of cullers.

Payment from surplus funds.

"**12.** The Governor in Council may make such regulations as may be from time to time necessary,—(1) for giving effect to the provisions of this Act, and the Act hereby amended; (2) for determining the number of cullers to be employed in each department of the supervisor's office; provided always, that the number of cullers employed in the square timber department shall not at any time exceed eighteen, who shall be employed regularly by rotation; (3) for granting annuities not exceeding two hundred dollars per annum, in each case, to such of the cullers who were employed on the first day of May, one thousand eight hundred and seventy-six, as are incapable, by reason of age, infirmity or otherwise from pursuing their business of culling, or whose services may no longer be required; (4) for the payment of such annuities as may be granted, as herein provided, out of such funds as have been collected or as may hereafter be collected, over and above the cost of the culling office."

If surplus is insufficient.

3. In the event of there being no such surplus funds, out of which the annuities granted. as herein provided can be paid, then such annuities shall be paid out of the Consolidated Revenue Fund of Canada.

Powers vested in Governor in Council as to charges.

4. The Governor in Council may, from time to time, increase or diminish the charges for measuring and making out specifications for white and red pine timber, if found necessary for equalizing the fees collected with the cost of measuring, making specifications and other necessary charges incident thereto, so as to give the cullers employed yearly average earnings of seven hundred dollars each.

Duties of cullers.

Penalty for neglect, &c.

Suspension in certain cases.

5. All cullers employed by the Supervisor shall obey his lawful commands, and shall respectively hold themselves in readiness, on all lawful days, to execute the duties of their office from daylight until dark; and for each neglect, refusal or delay, when not otherwise employed about the duties of his office, the culler shall forfeit eighty dollars to the use of the person injured by such neglect, refusal or delay; and any culler so employed, guilty of impropriety of conduct or disobedience of orders, or incapacity, may be suspended from office by the Supervisor, subject to an appeal to the Board of Examiners.

Act how construed.

6. This Act shall be read and construed as one Act with the Act hereby amended, and the Act amended by that Act.

CHAP.

CHAP. 17

An Act to transfer the management of certain Harbours, Piers and Breakwaters from the Department of Public Works to the Department of Marine and Fisheries.

[*Assented to 28th April*, 1877.]

WHEREAS the administration of the law relating to Harbours, Piers and Wharves belonging to the Government of Canada, is by the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act for the organization of the Department of Marine and Fisheries of Canada*," assigned to the Department thereby constituted, and it is expedient to make more definite provision in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 31 V. c. 57.

1. Notwithstanding anything to the contrary in the fourteenth or any other section of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Public Works of Canada*," or in any other Act, all harbours, wharves, piers and breakwaters now or hereafter constructed or completed at the expense of Canada, or being otherwise the property of the Dominion, except only such as are on or connected with canals, shall be under the control and management of the Minister of Marine and Fisheries as respects the use thereof, the making and enforcing of regulations respecting such use, and the collection of tolls and dues for the same,—the construction and repairs, (except maintenance and ordinary repairs) and the works connected therewith, remaining as at present under the control and direction of the Minister of Public Works. Certain works transferred from Public Works Department to Marine and Fisheries Department. 31 V. c. 12.

2. The Governor may appoint or direct such officers or persons as he may think proper, to have, under the direction of the Minister of Marine and Fisheries, the charge of the works hereby placed under the management and control of the said Minister, and to collect the tolls and dues thereon, and to fix the remuneration to be allowed them respectively for such services. Appointment of officers to collect tolls, etc.

3. The Governor in Council may, from time to time, on the recommendation of the Minister of Marine and Fisheries, make, rescind, modify or alter rules and regulations for the use and management of such harbours, wharves, piers and breakwaters, and a tariff or tariffs of the tolls and dues to be paid for the use of the same, and levied on persons or vessels using them, and on goods, wares or merchandise landed or shipped Governor in Council may make regulations for use of works: and tariff of tolls: and impose penalties for contravention.

shipped on or from off them, and may, by such rules and regulations, impose penalties not exceeding two hundred dollars, and punishment by imprisonment not exceeding sixty days for any violation thereof; and such tolls, dues and penalties shall be a lien on the goods and on the vessels (with their tackle) in respect of which they are payable or incurred; and the officer or person appointed to collect the same may detain such vessel or goods until they are paid; and no vessel leaving any port at which any such tolls or dues are payable shall receive a clearance at the Custom House thereat, unless the Master produces to the Collector or proper officer of the Customs a certificate that the tolls or dues on such vessel have been paid, or that none are payable thereon: Provided always, that such regulations shall not be in force until published in the *Canada Gazette*.

Collection of tolls, etc., how enforced.

Proviso.

Penalties how to be recovered and applied.

4. All pecuniary penalties imposed under the authority of this Act may be recovered with costs, by summary proceedings before any Justice of the Peace for the place in which they are incurred, under the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders*," and shall belong to Her Majesty for the public uses of the Dominion.

32, 33 V. c. 31.

How unpaid tolls may be levied.

5. If any tolls or dues imposed, and payable on any goods under this Act remain unpaid during four weeks after they are due, the officer or person to whom they are payable may apply to any such Justice of the Peace for an order to levy the same; and, upon such application and accompanied by the oath or solemn affirmation of the applicant, made before such Justice, that such tolls or dues, stating the amount thereof, are due on such goods, describing them sufficiently to identify them, and have remained unpaid during twenty-eight days (or more as the case may be), the said Justice shall issue his warrant to some constable to sell such goods or so much thereof as may be sufficient to pay the sum due with reasonable costs, not exceeding five dollars, —which such constable shall accordingly do, and shall pay over the amount made, less the costs, to the officer or person authorized to collect such tolls or dues.

Sale of goods liable.

Appropriation of tolls.

6. All tolls and dues received under this Act shall belong to Her Majesty for the public uses of the Dominion, and shall be paid over by the person receiving them to the Receiver-General, at such times and in such manner as the Governor in Council may direct; but an account thereof shall also be rendered to the Minister of Marine and Fisheries at such times and in such manner as he may direct; and an account of all such moneys, and of all

Accounts to be rendered.

expenditure

expenditure incurred in the collection thereof, or otherwise under this Act, shall be laid before Parliament at the Session next after the close of the fiscal year in which the same shall have been received or incurred.

7. Nothing in this Act shall be construed to impair or affect any of the powers or duties of the Minister or Department of Public Works, under the Act herein secondly cited, or any other Act, as regards the construction, improvement, repair or maintenance of the works hereinbefore mentioned, or the power of the Governor in Council to make regulations for the proper use of the said works, as respects their safety and protection from injury, and the prevention of, or liability for damages done to them, or to avoid or impair the effect of any Order in Council made under the said Act or Acts imposing or providing for the collection of tolls or dues for the use of such works, unless and until such order is revoked, as it may be, or other provisions made for the same purpose under this Act. Certain powers of Minister of Public Works not to be impaired: nor that of Governor in Council to make regulations.

8. Nothing in this Act shall apply to the Harbour of Quebec, Montreal, Toronto, St. John, N.B., or Pictou, or any Harbour under the management of Commissioners appointed under any Act of the Parliament of Canada. Act not to apply to certain harbours.

CHAP. 18.

An Act to amend the Acts relating to the Inspection of Steamboats.

[*Assented to 28th April*, 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section five of the Act passed in the thirty-first year of Her Majesty's reign (1868), chapter sixty-five, intituled "*An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them*," is hereby amended by adding thereto the words "and such certificate, unless otherwise revoked, shall be good for twelve months from the date thereof." Sect. 5 of 31 V. c. 65 amended.

2. Section seventeen of the said Act is hereby amended by striking out the words "at least one life preserver for each and every passenger; Provided always that," in the sixth and seventh lines, and inserting in lieu thereof the words, "life preservers, as follows, namely;" and also by adding at he Section 17 amended as to number of life-preservers.

the end of the section the following words:—"Provided always, that the maximum number of life preservers required on any steamboat shall not exceed two hundred."

Section 18 amended as to number of fire-buckets.

3. Section eighteen of the said Act is hereby amended by adding thereto the words "Provided always, that passenger steamboats of more than seventy-five and less than one hundred and fifty tons gross shall not require to be provided with and have on board more than twelve fire buckets, and that passenger steamboats of seventy-five tons gross and under, and steam tugs under one hundred and fifty tons gross, shall not be required to be provided with and have on board more than six fire buckets."

Section 19 amended as to number of life-boats.

4. Section nineteen of the said Act is hereby amended by adding after the word "Fredericton," in the eighth line, the words "the waters in the District of Muskoka, the County of Victoria and the County of Peterborough, in the Province of Ontario, and the waters of the Ottawa River and its tributaries above the City of Ottawa;" and also by adding at the end of the said section the words "Provided always, that steamboats not exceeding one hundred and fifty tons gross shall not be required to carry more than one good boat, of the capacity above-mentioned; and provided also, that steam tugs on the canals and in harbours shall not be required to carry any boat."

Proviso.

Proviso.

Section 26 amended as to small steamers.

5. The twenty-sixth section of the said Act is hereby amended by striking out the words "except on any of the Lakes Memphremagog, Ontario, Erie, Huron, Simcoe or Superior;" also by striking out the words "except on any of the lakes above named," and by inserting in lieu thereof the words "or of any freight steamboat or tug steamboat less than one hundred and fifty tons gross."

Section 27 amended.

6. Section twenty-seven of the said Act is hereby amended by striking out the word "two," in the fifth line, and inserting in lieu thereof the word "one."

Section 32 amended as to inspection fees.

7. Section thirty-two of the said Act is hereby amended by striking out the fifth, sixth, seventh, eighth, ninth and tenth lines, and inserting in lieu thereof the words "or master of every passenger steamboat exceeding one hundred tons shall pay an inspection fee of eight dollars for each inspection made imperative by this Act, and the owner or master of all passenger steamboats of one hundred tons and less, and all other steamboats, shall pay an inspection fee of five dollars for each inspection made imperative by this Act."

Section 37 amended.

8. Section thirty-seven of the said Act is hereby amended by inserting immediately before the first word of the section the words "Except when otherwise specially provided;" and



and also by striking out the word "forty," in the fifth line, and inserting in lieu thereof the word "twenty."

9. Section forty-three of the said Act is hereby amended by striking out the words "and with substantial handrails" and inserting in lieu thereof the words "protected at the sides in a suitable manner against danger from falling overboard;" and also by striking out the words "and wharf or landing place" in the fifth line. Section 43 amended.

10. Section eleven of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign (1869), chapter thirty-nine, intituled "*An Act to amend the Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them,*" is hereby amended by inserting immediately before the first word of the section the words "except when otherwise specially provided;" and also by striking out the word "forty," in the fifth line, and inserting in lieu thereof the word "twenty." Section 11 of 32-33 V. c. 39 amended.

11. The second section of the Act passed in the thirty-sixth year of Her Majesty's reign (1873), chapter fifty-three, intituled "*An Act to amend the Acts respecting the Inspection of Steamboats,*" is hereby amended by striking out the word "six," in the fifth line, and inserting in lieu thereof the word "twelve." Section 2 of 36 V. c. 53 amended.

12. The second section of the Act passed in the thirty-seventh year of Her Majesty's reign (1874), chapter thirty, intituled "*An Act further to amend the Act respecting the Inspection of Steamboats,*" is hereby amended by striking out the words "the boats shall be covered with canvas or tarpaulin covers, to protect them from the sun and weather," and inserting in lieu thereof the words "the boats shall be kept in good condition, water-tight and ready for immediate use;" and also by striking out the words "once a week," and inserting in lieu thereof "once a month." Section of 37 V. c. 30 amended as to protection of boats.

13. This Act, and the Acts hereby amended, shall be known and may be cited as "*The Steamboat Inspection Acts,* 1868 *to* 1877" Short title.

CHAP.

CHAP. 19.

An Act respecting the Measurement of Steam Ships registered under the repealed Act of the late Province of Canada.

[*Assented to 28th April*, 1877.]

Preamble.
36 V. c. 128.

WHEREAS by the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "***An Act relating to Shipping, and for the registration, inspection and classification thereof,***" which came into force by proclamation on the twenty-seventh day of March, one thousand eight hundred and seventy-four, the Act chapter forty-one of the Consolidated Statutes of the late Province of Canada, intituled "***An Act respecting the registration of Inland Vessels,***" was repealed, but ships registered under it were not required to be re-registered or re-measured; and whereas steamships registered in Canada on or after the said day were and are under the Act first above cited, to be measured for registration in the manner prescribed by the Act of the Imperial Parliament, known as "***The Merchant Shipping Act,*** 1854," and such measurement is made by different rules and gives a tonnage different from that given by the rules prescribed by the said Canadian Act; and whereas this difference is found to be inconvenient and unfair, and it is expedient that the same rules of measurement should be used in both cases: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Con. Stat. Can. c. 41.

Imp. Act, 17, 18 V. c. 104.

Steamships registered in Canada before 27th March, 1874, to be re-measured.

1. Every steamship registered in Canada before the said twenty-seventh day of March, one thousand eight hundred and seventy-four, and measured for registration by any other rules than those prescribed by "***The Merchant Shipping Act,*** 1854," shall, after the passing of this Act, be re-measured for tonnage in the manner and according to the rules prescribed by "***The Merchant Shipping Act,*** 1854;" and, for the purpose of making such re-measurement, the Surveyor at any Canadian Port, or any Surveyor appointed for the purpose by the Governor, is hereby authorized to go on board such steamship at any seasonable time, and the owner, master or officers of the ship shall afford him the proper facilities and assistance in making the same; and the ship's tonnage ascertained by such re-measurement shall be marked as the law requires, and entered on her register and certificate of registry by the registrar of her port of registry, and shall thereafter be deemed to be her tonnage for all purposes except those of "*An Act respecting the Inspection of Steamboats and for the greater safety of Passengers by them,*" passed in the thirty-first year of Her Majesty's reign, and the

Provisions as to such re-measurement.

New tonnage for all purposes except 31 V. c. 65.

the Acts in amendment thereof,—for which last mentioned purposes the tonnage shall remain as at present: and on and after the first day of July next, no clearance shall be granted to any such steamship at any port in Canada, nor shall she exercise any privilege of a British ship, or be recognised as being so, until she has been re-measured and the tonnage so ascertained has been entered on her register and certificate of registry, and marked as hereby required: Provided always, that the tonnage dues on any such steamship shall be payable according to her present registered tonnage until the first of July next (1877),—on and after which day they shall be payable according to her registered tonnage under this Act.

No clearance after 1st July, 1877, to steamships not re-measured.

Proviso; as to tonnage dues up to 1st July, 1877.

2. Any owner, master or officer of a ship refusing or neglecting, when called upon by a duly appointed surveyor so to do, to afford him the proper facilities and assistance for the measurement of the ship under this Act, or any person wilfully obstructing such surveyor in making such measurement, shall thereby incur a penalty of forty dollars, recoverable in a summary manner before any Justice of the Peace; and such penalty shall belong to the Crown for the public uses of the Dominion.

Penalty for not assisting Surveyor, or wilfully obstructing him.

3. No fee shall be payable to the surveyor by the owner or master of any steamship for the re-measurement thereof under this Act.

No fee for re-measurement.

4. This Act shall be construed as one Act with that herein first cited and hereby amended.

Construction of this Act.

CHAP. 20.

An Act to amend the Pilotage Acts of 1873 and of 1875.

[*Assented to 28th April*, 1877.]

WHEREAS it is expedient to amend the Pilotage Act of 1873, and also the Act passed in the thirty-eighth year of Her Majesty's reign and intituled "*An Act further to amend 'The Pilotage Act,* 1873,'" as respects exemption from the payment of pilotage dues and in other respects, and to provide for the more certain collection of pilotage dues: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

38 V. c. 28.

1. Section seventy-five of "*The Pilotage Act*" 1873, is hereby amended by striking out the words "two lights (in this

S. 75 of 36 V. c. 54 amended as to lights.

this Act called pilot lights) one above the other, the upper light white, the lower light red" and by substituting in lieu thereof the words "one white light (in this Act called pilot light"), and by striking out the words "pilot lights" wherever else they occur in the said section, and substituting instead thereof the words "a pilot light."

Ss. 78, 79 of 36 V. c. 54 amended.

2. Sections seventy-eight and seventy-nine of the said Act are hereby amended by striking out the words "pilot lights" and substituting in lieu thereof the words "a pilot light" in each of the said sections.

Sub-section 3 of section 1 repealed.

3. Sub-section three of the first section of the said Act of 1875 is repealed and the following substituted therefor:—

What steamships shall be exempt from pilotage dues.

"3. Ships propelled wholly or in part by steam employed in trading from port to port in the same Province, or between any one or more of the Provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island, and any other or others of them, or employed on voyages between any port or ports in the said Provinces or any of them and the Port of New York or any port of the United States of America on the Atlantic, north of New York, shall be exempt from the compulsory payment of pilotage dues; except only in the ports of Halifax, Sydney Pilotage District, Miramichi and Pictou,—as respects each of which ports the Pilotage authorities of the district may, from time to time, determine, with the approval of the Governor in Council, whether any, and which, if any, of the steamships so employed shall or shall not be wholly or partially, and, if partially, to what extent and under what circumstances, exempt from the compulsory payment of pilotage dues."

Exception as to Halifax, Pictou and Miramichi.

No clearance until such dues, if payable, are paid or settled for.

4. No clearance shall be granted to any ship liable to pilotage dues at any port in Canada where there is a duly constituted Pilotage authority which collects the pilotage dues, and at which pilotage dues are payable, unless and until a certificate, from the Pilotage authorities of the district or some officer or person authorized by such authority to grant the same, that all pilotage dues in respect of such ship have been paid or settled for to the satisfaction of such authority, has been produced to the Customs officer granting such clearance.

Construction and short title.

5. This Act shall be construed as one Act with that amended by it; and "*The Pilotage Act*, 1873," and the Acts of 1874 and 1875 amending it, and this Act, may be cited as "*The Pilotage Acts of Canada*"

CHAP

CHAP. 21.

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

[*Assented to 28th April,* 1877.]

WHEREAS it is expedient to establish a Court of Maritime Jurisdiction in the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Save as by this Act excepted, all persons shall, after this Act comes into force, have, in the Province of Ontario, the like rights and remedies in all matters (including cases of contract and tort, and proceedings *in rem* and *in personam*) arising out of or connected with navigation, shipping, trade or commerce on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, as such persons would have in any existing British Vice-Admiralty Court, if the process of such court extended to the said Province. Rights and remedies in Ontario as to matters respecting shipping, etc.

2. For the enforcement of such rights and remedies there is hereby constituted, in the Province of Ontario, a Superior Court of Maritime Jurisdiction, under the name of "The Maritime Court of Ontario," which shall be a court of record and shall, save as by this Act excepted, have, as to the matters aforesaid, all such jurisdiction as belongs, in similar matters within the reach of its process, to any existing British Vice-Admiralty Court. Court for enforcing the same. Its jurisdiction.

2. In any matter referred to in the first section, but arising within reach of the process of the Vice-Admiralty Court at Quebec, the Court shall have the same jurisdiction as any existing British Vice-Admiralty Court has under like circumstances, in any like matter arising beyond the reach of its process. Provision as to cases arising in Quebec.

3. And whereas many of the ships engaged in navigating the waters aforesaid are registered in ports in the Province of Quebec, the jurisdiction of the Court in respect of claims touching the ownership, possession, employment, or earnings of ships, shall extend to the case of a ship registered in a port in the Province of Quebec but navigating the waters aforesaid. Jurisdiction as to ships registered in a Quebec Port.

4. No right or remedy *in rem* given by this Act only, shall be enforced as against any subsequent *bonâ fide* purchaser or mortgagee of a ship, unless the proceedings for the enforcement thereof be begun within ninety days from the time when the same accrued. Limitation as to remedies given by this act only.

Matters excepted from its jurisdiction.

3. The Court shall not have jurisdiction, save as aforesaid in any matter to which the process of any existing British Vice-Admiralty Court extends, nor shall the Court have jurisdiction in any prize cause, or in any criminal matter. or in any case of breach of the Regulations and Instructions relating to Her Majesty's Navy, or arising out of droits of Admiralty, or out of any seizure for breach of the revenue, customs, trade or navigation laws, or out of any violation of the Act of the Imperial Parliament known as "*The Foreign Enlistment Act*," or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels.

Where the Court may sit.

4. The principal seat of the Court shall be at Toronto. but sittings of the Court may be held at any city, town or place within the Province of Ontario.

Appointment of Judge.

5. The Governor in Council may appoint any judge of any superior or County Court in Ontario, or any barrister in Ontario of not less than seven years' standing, to be the Judge of the Court.

Tenure of office; not to sit in House of Commons.

6. The Judge shall hold office during good behaviour; but shall be removable by the Governor General on address of the Senate and House of Commons: he shall not be eligible to sit or vote in the House of Commons, under the penalties provided by "*An Act further securing the independence of Parliament*" (thirty-first Victoria, chapter twenty-five), nor shall he vote at any election of a member of the said House.

Remuneration and how payable.

7. The Judge shall receive no fees, but shall receive a salary of six hundred dollars per annum free and clear from all deductions whatsoever, and *pro ratâ* for any shorter time than a year, which salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, in like manner as the salaries of other Judges.

Judge, with approval of Governor in Council, to make rules of practice and tariff of fees, &c.

8 The Judge may, with the approval of the Governor in Council, from time to time, make, alter and rescind general rules for establishing and regulating the practice, pleading, writs, procedure, costs and fees to practitioners and officers in suits instituted under this Act, and for the effectual working of this Act; and such rules may extend to any matter of procedure or otherwise, not provided for by this Act but for which it may be found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and every such rule, not being inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted: Provided

Provided always, that copies of all such rules shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and published in the *Canada Gazette;* Provided also, that it shall be lawful for the Governor in Council, by proclamation published in the *Canada Gazette*, or for either House of Parliament, by any resolution, passed at any time within thirty days after such rules and orders have been laid before Parliament, to suspend any rule or order made under this Act; and such rule or order shall thereupon cease to have force or effect until the end of the then next session of Parliament. Proviso. Proviso.

9. In default of other provision either by this Act or under general rules made in pursuance of this Act, the practice, pleading, writs and procedure in force at the time of its abolition in the Instance side of the High Court of Admiralty in England shall, so far as applicable, apply and extend to proceedings instituted under this Act. Practice in cases unprovided for in rules.

10. The Judge shall, from time to time, frame and submit for the approval of the Minister of Justice, a list of persons of nautical or engineering, or other technical skill and experience to act as assessors in the Court; and shall cause the approved list to be published in the *Canada Gazette*, and every person named in the approved list shall attend the Court, under such circumstances and in such rotation, and subject to such regulations, and shall receive such fees, as shall be provided by or under general rules. List of persons competent to act as assessors, etc.

11. The Governor in Council may, from time to time, appoint one or more Judges of any County Court in Ontario, or barristers of not less than seven years' standing in Ontario, to be a Surrogate Judge or Surrogate Judges of the said Court. Appointment of Surrogate Judge or Judges.

12. A Surrogate Judge shall have such of the powers of the Judge as may be conferred by his commission. Their powers.

13. Any judicial act begun or partly proceeded with by a Surrogate Judge may, under general rules, be proceeded with or completed by the Judge. Proceedings begun by them may be completed by Judge.

14. Whereas until the practical working of this Act has been developed by experience it is inexpedient to make permanent provision as to the tenure of office or the salary of Surrogate Judges; therefore— Recital of case as to Surrogates.

2. A Surrogate Judge shall hold office during pleasure, but his appointment shall not be vacated by a vacancy in the office of the Judge. Tenure of office.

3.

Emoluments. Tariff.

3. He may, if resident elsewhere than in Toronto, receive emoluments to be, from time to time, fixed by the Governor in Council, raised out of funds provided by suitors' fees, payable under a tariff to be, from time to time, fixed by the Governor in Council.

To be laid before Parliament, etc.

4. Copies of the tariff shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and published in the *Canada Gazette.*

Collection and funding of fees.

5. The fees payable by suitors under the tariff shall be paid over, by the officer appointed to collect them, to the Receiver-General, and shall form part of the Consolidated Revenue Fund; and thereout shall be paid the emoluments of the Surrogate Judge.

Appointment of other officers.

15. The Governor in Council may appoint a registrar. marshal, deputy registrars and deputy marshals, and examiners and other necessary officers for the Court, with such of the powers belonging to registrars and marshals of British Vice-Admiralty Courts, and such other powers for the effectual working of this Act as may be prescribed by general rules.

Who may administer oaths, etc., Perjury.

16. The Judge, any Surrogate Judge, the Registrar, any Deputy Registrar, and any person who has power to administer oaths and affirmations in matters pending in the Supreme Court or the Exchequer Court of Canada, shall have power to administer oaths and affirmations in relation to any matter pending in the Court; and any person who shall wilfully swear or affirm falsely in any such matter shall be guilty of perjury.

Judges and surrogates to take an oath of office.

17. Every Judge or Surrogate Judge appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take before a Judge of any Superior or County Court in Ontario, the following oath :—

The oath.

"I do sincerely and solemnly swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as Judge (*or* as a Surrogate Judge) of the Maritime Court of Ontario. So help me God."

Who may practice in the Court.

18. All persons entitled to act as barristers or advocates in any superior court in any Province in Canada may act as such in the Court; and all persons entitled to act as solicitors, or attorneys-at-Law in Ontario may practice as proctors or solicitors in the Court, and all persons acting as barristers or advocates, or practicing as proctors or solicitors in the Court, shall be officers thereof.

19. There shall be an appeal to the Supreme Court of Canada from all decisions of the Court having the force and effect of a definitive sentence or final order. Appeal to Supreme Court.

20. In default of other provision either by this Act or under general rules made by virtue of this Act, or by virtue of the Acts relating to the Supreme and Exchequer Courts, the practice, procedure and powers as to costs and otherwise of the Supreme Court in other appeals shall, so far as applicable, and, unless the Supreme Court shall otherwise order, apply and extend to appeals under this Act. Procedure in such appeal.

21. So much of this Act as relates to the appointment of the Judge, Surrogate Judges and officers, and the making of general rules and tariffs, shall come into force on a day to be appointed by proclamation of the Governor in Council, and the residue of this Act shall come into force on a subsequent day to be also appointed by proclamation of the Governor in Council. When this Act shall come into force.

22. This Act may be cited as "*The Maritime Jurisdiction Act*, 1877." Short title.

CHAP. 22.

An Act to amend the Act to make further provision in regard to the Supreme and Exchequer Courts.

[*Assented to 28th April*, 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The second section of the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to make further provision in regard to the Supreme Court, and the Exchequer Court of Canada,*" is amended by striking out all the words after "given," where it first occurs in the tenth line. Sect. 2 of 39 V., c. 26, amended.

2. The fifth section of the said Act is amended by inserting after the word "witness," in the fifth line, the words "within Canada," and by substituting the word "his" for the word "the" in the sixth line. Section 5 amended.

3. The Sheriff of the County of Carleton shall be deemed and taken to be *ex-officio* an officer of the Supreme Court, and shall perform the duties and functions of a Sheriff in connection therewith. Sheriff of Carleton an officer of both courts.

CHAP. 23.

An Act to amend the Act respecting the Salaries of certain Judges.

[*Assented to 28th April*, 1877.]

Preamble.

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 8 of 37 V. c. 4 amended.

1. The eighth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter four, intituled "*An Act to amend the Act thirty-sixth Victoria, chapter thirty-one, for the re-adjustment of the salaries of Judges, and other purposes*" is hereby amended by striking out the words "for fifteen years" in the said section contained and substituting therefor the words "for ten years."

Amendment to apply to 39 V. c. 29.

2. The amendment by this Act made shall extend to the application of the amended section to County Court Judges in Nova Scotia by virtue of the second section of the Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-nine, intituled "*An Act to provide for the salaries of County Court Judges in the Province of Nova Scotia, and for other purposes.*"

CHAP. 24.

An Act to provide for the payment of travelling allowances to the District or County Court Judges in the Province of British Columbia.

[*Assented to 28th April*, 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may fix the allowances.

How paid.

1. The Governor in Council may, from time to time, fix the travelling allowances of the Judges of the District or County Courts in the Province of British Columbia, and such travelling allowances may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

CHAP.

CHAP. 25.

An Act to make provision for the Extradition of Fugitive Criminals.

[*Assented to 28th April*, 1877.]

WHEREAS the Parliament of Canada has all the powers proper for making legislative provision for the extradition from Canada of Fugitive Criminals; Preamble.

And whereas the Parliament and Government of Canada have all the powers proper for performing the obligations of Canada as part of the British Empire towards Foreign States, arising under treaties between the Empire and foreign states;

And whereas several extradition arrangements, some of which are referred to in the first schedule to this Act, have been made between Her Majesty the Queen and Foreign States;

And whereas other such arrangements may, from time to time, be made;

And whereas it is proper to make provision by one Canadian law for the execution of all such arrangements:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act, unless the context otherwise requires, the term "extradition arrangement" means a treaty, convention or arrangement made by Her Majesty with a Foreign State for the surrender of fugitive criminals, and extending to Canada: Definition of terms used. Extradition arrangement.

The term "extradition crime" may mean any crime which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the second schedule to this Act, and in the application of this Act to the case of any extradition arrangement, means any crime described in such arrangement, whether comprised in the said schedule or not: Extradition crime.

The terms "conviction" and "convicted" do not include the case of a condemnation under foreign law by reason of contumacy; but the term "accused person" includes a person so condemned: Conviction. Convicted.

 The

Fugitive. Fugitive criminal.

The terms "fugitive" and "fugitive criminal" mean a person being, or suspected of being, in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of any Foreign State :

Foreign State.

The term "Foreign State" includes every colony, dependency and constituent part of the foreign state; and every vessel of any such state shall be deemed to be within the jurisdiction of, and to be part of the state:

Warrant, in case of Foreign State.

The term "warrant", in the case of a Foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime :

Judge.

The term "judge" includes any person authorized to act judicially in extradition matters.

Proceedings commenced under former law.

2. Proceedings for or in relation to the surrender of a fugitive criminal of a Foreign State, commenced under any other law previously to the time at which this Act shall apply in the case of that state, may be completed, and the fugitive surrendered or discharged, in the same manner as if this Act had not been passed.

Acts repealed.

3. The following Acts of the Parliament of Canada— namely, the Act passed in the year of our Lord, one thousand eight hundred and sixty-eight and intituled "*An Act respecting the Treaty between Her Majesty and the United States of America for the apprehension and surrender of certain Offenders;*" and the Act passed in the year of our Lord, one thousand eight hundred and seventy, and intituled "*An Act to amend the Act respecting the Extradition of certain Offenders to the United States of America;*" and the Act passed in the year of our Lord one thousand eight hundred and seventy-three, and intituled "*An Act to make further provision respecting the Extradition of Criminals,*" are, save for the purposes of the second section of this Act, hereby repealed.

31 V., c. 94. 33 V., c. 25. 36 V., c. 127.

As to arrangements existing when this Act comes into force.

4. In the case of any Foreign State with which there is at or after the time this Act comes into force, an extradition arrangement, this Act shall apply during the continuance of such arrangement: Provided that the operation of the Act of the Parliament of the United Kingdom passed in the year of our Lord one thousand eight hundred and seventy, and intituled "*An Act for amending the law relating to the Extradition of Criminals,*" shall have ceased or been suspended within Canada in the case of that state :

Provided operation of Act of U. K., 1870, has ceased in Canada.

This Act not to contravene arrangement, but to enforce it.

(2.) For the avoidance of doubts, any provisions of this Act which may be deemed to be inconsistent with any term of the arrangement shall not have effect to contravene the arrangement; and this Act shall be so read and construed as to provide for the execution of the arrangement;

(3)

(3.) In the case of any Foreign State with respect to which the application to the United Kingdom of the said Act of the Parliament of the United Kingdom is made subject to any limitation, condition, qualification or exception, the Governor in Council shall make the application of this Act, by virtue of this section, subject to any such limitation, condition, qualification or exception ;

When the Act of U. K. is subject to limitation in its application to U. K.

(4.) The Governor in Council may, at any time, revoke or alter, subject to the restrictions of this Act, any Order made by him in Council under this Act, and all the provisions of this Act with respect to the original Order shall, so far as applicable, apply *mutatis mutandis* to the new Order.

Governor in Council may revoke any order.

5. This Act, in so far as its application in the case of any Foreign State may depend on or be affected by any Order in Council made under or referred to in this Act, shall apply, or its application shall be affected, after the time specified in the Order, or, if no time be specified, after the date of the publication of the Order in the *Canada Gazette :*

If the application of this Act depends on Order in Council.

(2.) Any Order of Her Majesty in Council referred to in this Act, and any Order of the Governor in Council made under this Act, and any extradition arrangement not already published in the *Canada Gazette,* shall be, as soon as may be, published in the *Canada Gazette* and laid before both Houses of Parliament :

Publication of Order in Council in U. K. or Canada.

(3.) The publication in the *Canada Gazette* of an extradition arrangement, or an Order in Council, shall be evidence of such arrangement or Order and of the terms thereof, and of the application of this Act pursuant and subject thereto ; and the validity of the Order: and the application of this Act pursuant and subject thereto, shall not be questioned.

Effect of publication in *Canada Gazette.*

6. No fugitive shall be liable to surrender under this Act if it appears—(1) that the offence in respect of which proceedings are taken under this Act is one of a political character; or (2) that such proceedings are being in fact taken with a view to prosecute or punish him for an offence of a political character.

No surrender for political offences.

7. Every fugitive criminal of a Foreign State, in the case of which state this Act applies, shall be liable to be apprehended, committed and surrendered in the manner provided in this Act, whether the crime or conviction, in respect of which the surrender is sought, was committed or took place before or after the date of the arrangement, or of the coming into force of this Act, or of the application of this Act in the case of such state, and whether there is or is not, any criminal jurisdiction in any court of Her Majesty's Dominions over the fugitive in respect of the crime.

Surrender not to depend on time when the offence was committed, etc.

8.



What judges may act judicially in cases under this Act.

8. All judges of the superior courts and of the county courts of any Province or Territory of Canada, and all commissioners who may be, from time to time, appointed for the purpose in any such Province or Territory by the Governor under the Great Seal of Canada, by virtue of this Act, are authorized to act judicially in extradition matters under this Act within the Province or Territory; and every such person shall, for the purposes of this Act, have all the powers and jurisdiction of any judge or magistrate of the Province or Territory;

Powers.

No *habeas corpus* power.

(2.) Nothing in this section shall be construed to confer on any judge any jurisdiction in *habeas corpus* matters.

Depositions, etc., made in Foreign States or copies thereof, when receivable.

9. Depositions or statements taken in a Foreign State on oath, or on affirmation, where affirmation is allowed by the law of the state, and copies of such depositions or statements, and foreign certificates of, or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence on proceedings under this Act;

How to be authenticated.

(2.) Such papers shall be deemed duly authenticated, if authenticated in manner provided for the time being by law, or if authenticated as follows,—

If signed or certified.

(*a.*) If the warrant purports to be signed by, or the certificate purports to be certified by, or the depositions or statements or the copies thereof purport to be certified to be the originals or true copies by a judge, magistrate or officer of the Foreign State;

Or authenticated on oath or by seal.

(*b.*) And if in every case the papers are authenticated by the oath or affirmation of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the Foreign State; of which seal the judge shall take judicial notice without proof.

Warrant under this Act, how executed.

10. A warrant issued under this Act may be executed in any part of Canada in the same manner as if it had been originally issued, or subsequently endorsed, by a Justice of the Peace having jurisdiction in the place where it is executed.

On what grounds a warrant may issue.

11. Where this Act applies, a judge may issue his warrant for the apprehension of a fugitive on a foreign warrant of arrest, or an information or complaint laid before him, and on such evidence or after such proceedings as in his opinion would, subject to the provisions of this Act, justify the issue of his warrant if the crime, of which the fugitive is accused or alleged to have been convicted, had been committed in Canada:

(2.)

(2.) The judge shall forthwith send a report of the fact of the issue of the warrant, together with certified copies of the evidence and foreign warrant, information or complaint, to the Minister of Justice. Report to Minister of Justice.

12. The fugitive shall be brought before a judge, who shall, subject to the provisions of this Act, hear the case in the same manner, as near as may be, as if the fugitive were brought before him charged with an indictable offence committed in Canada: How fugitive shall be brought before judge.

(2.) The judge shall receive upon oath, or affirmation where affirmation is allowed by the law of Canada, the evidence of any witness tendered to show the truth of the charge or the fact of the conviction: How judge shall receive evidence of charge.

(3.) The judge shall receive, in like manner, any evidence tendered to show that the crime of which the fugitive is accused or alleged to have been convicted, is an offence of a political character, or is for any other reason not an extradition crime; or that the proceedings are, in fact, being taken with a view to prosecute or punish him for an offence of a political character. Or that offence is political.

13. In the case of a fugitive alleged to have been convicted of an extradition crime, if such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, prove that he was so convicted; and (2), in the case of a fugitive accused of an extradition crime, if such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial, in case the crime had been committed in Canada,—the judge shall issue his warrant for the committal of the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign state, or discharged according to law; but otherwise the judge shall order him to be discharged. What evidence shall be sufficient to justify committal. Committal to gaol and for what time.

14. If the judge commits a fugitive to prison, he shall, on such committal— Judge shall—

(1.) Inform him that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*; and Give certain information to fugitive,—

(2.) Transmit to the Minister of Justice a certificate of the committal, with a copy of all the evidence taken before him not already so transmitted, and such report upon the case as he may think fit. And transmit evidence to Minister of Justice.

15. A requisition for the surrender of a fugitive criminal of a Foreign State who is, or is suspected of being in Canada, may By whom requisition for surrender may be made.

may be made to the Minister of Justice by any person recognized by him as a consular officer of that state resident at Ottawa; or by any Minister of that state communicating with the Minister of Justice through the diplomatic representative of Her Majesty in that state; or if neither of these modes be convenient, then in such other mode as may be settled by arrangement.

Cases in which Minister of Justice may refuse surrender.

16. In case the Minister of Justice at any time determines —(1.) that the offence in respect of which proceedings are being taken under this Act is one of a political character; or (2) that the proceedings are in fact being taken with a view to try or punish the fugitive for an offence of a political character; or (3) that for any other reason he ought not to be surrendered; or (4) that the Foreign State does not intend to make a requisition for surrender,—the Minister of Justice may refuse to make an order for surrender, and may by order under his hand and seal cancel any order made by him, or any warrant issued by a judge under this Act, and order the fugitive to be discharged out of custody on any committal made under this Act; and the fugitive shall be discharged accordingly.

And order discharge

Surrender not to be made during a certain time.

17. A fugitive shall not be surrendered until after the expiration of fifteen days from the date of his committal for surrender; nor (in case a writ of *habeas corpus* is issued) until after the decision of the court remanding him;

If fugitive is undergoing punishment in Canada.

(2.) A fugitive who has been accused of some offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sentence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal, or by expiration of his sentence, or otherwise.

Minister may order delivery of fugitive to Foreign State officer.

18. Subject to the provisions of this Act, the Minister of Justice, upon the requisition of the Foreign State, may, under his hand and seal, order a fugitive who has been committed for surrender to be surrendered to the person or persons who may, in his opinion, be duly authorized to receive him in the name and on behalf of the Foreign State, and he shall be so surrendered accordingly;

Powers of such officer.

(2.) It shall be lawful for any person to whom such order is directed to deliver, and for the person or persons so authorized, to receive, hold in custody and convey the fugitive within the jurisdiction of the Foreign State; and if he escapes out of any custody to which he may be delivered, on or in pursuance of such order, it shall be lawful to retake him in the same manner as any person accused or convicted of any crime against the laws of Canada may be retaken on an escape.

19 Everything found in the possession of the fugitive at the time of his arrest, which may be material as evidence in making proof of the crime, may be delivered up with the fugitive on his surrender, subject to all rights of third persons with regard thereto. As to property found on fugitive.

20. If a fugitive is not surrendered and conveyed out of Canada within two months after his committal for surrender, or (in case a writ of *habeas corpus* is issued) then within two months after the decision of the Court on such writ, over and above, in either case, the time required to convey him from the prison to which he has been committed, by the readiest way out of Canada, it shall be lawful for any one or more of the judges of the superior courts of the Province or Territory in which such person is confined, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the fugitive, and on proof that reasonable notice of the intention to make such application has been given to the Minister of Justice, to order the fugitive to be discharged out of custody, unless sufficient cause be shown against such discharge. Fugitive must be surrendered within a certain time: Or may be released on *habeas corpus*

21. The forms set forth in the third schedule to this Act or forms as near thereto as circumstances admit, may be used in the matters to which such forms refer, and, when used, shall be deemed valid. Forms in Schedule 3, valid.

22. A requisition for the surrender of a fugitive criminal from Canada, who is or is suspected of being in any Foreign State with which there is an extradition arrangement, may be made by the Minister of Justice to a consular officer of that state resident at Ottawa, or to the Minister of Justice or any other Minister of that state through the diplomatic representative of Her Majesty in that state; or, if neither of these modes be convenient, then in such other mode as may be settled by arrangement. Requisition for a fugitive from Canada, how made.

23. When any person accused or convicted of an extradition crime is surrendered by a Foreign State in pursuance of any arrangement, such person shall not,—until after he has been restored, or has had an opportunity of returning to the Foreign State within the meaning of the arrangement,—be subject, in contravention of any term of the arrangement, to any prosecution or punishment in Canada, for any other offence committed prior to his surrender, for which he should not, under the arrangement, be prosecuted. Fugitive surrendered by Foreign State not liable to punishment in Canada contrary to arrangement.

24. This Act may be cited as "*The Extradition Act*, 1877." Short title.

FIRST SCHEDULE.

Arrangements referred to in the preamble:—

Treaty between Her Majesty and the United States of America, signed at Washington, 9th August, 1842; ratifications exchanged at London, 13th October, 1842;

Convention between Her Majesty and the King of the French, signed at London, 13th February, 1843; ratifications exchanged at London, 13th March, 1843;

Treaty between Her Majesty and the Emperor of Germany, signed at London, 14th May, 1872; ratifications exchanged at London, 11th June, 1872;

Treaty between Her Majesty and the King of the Belgians, signed at Brussels, 31st July, 1872; ratifications exchanged at Brussels, 9th August, 1872;

Treaty between Her Majesty and the King of Italy, signed at Rome, 5th February, 1873; ratifications exchanged at Rome, 18th March, 1873;

Treaty between Her Majesty and the King of Denmark, signed at Copenhagen, 31st March, 1873; ratifications exchanged at Copenhagen, 26th April, 1873;

Treaty between Her Majesty and the Emperor of Brazil, signed at Rio de Janeiro, 13th November, 1872; ratifications exchanged at Rio de Janeiro, 28th August, 1873;

Treaty between Her Majesty and the King of Sweden and Norway, signed at Stockholm, 26th June, 1873; ratifications exchanged at Stockholm, 28th September, 1873;

Treaty between Her Majesty and the Emperor of Austria, signed at Vienna, 3rd December, 1873; ratifications exchanged at Vienna, 10th March, 1874;

Treaty between Her Majesty and the King of the Netherlands, signed at the Hague, 19th June, 1874; ratifications exchanged at the Hague, 21st July, 1874;

Treaty between Her Majesty and the Swiss Confederation, signed at Berne, 31st March, 1874; ratifications exchanged at Berne, 31st December, 1874;

Treaty between Her Majesty and the President of the Republic of Hayti, signed at Port au Prince, 7th December, 1874; ratifications exchanged at Port au Prince, 2nd September, 1875;

Treaty between Her Majesty and the President of the Republic of Honduras, signed at Guatemala, 6th January, 1874; ratifications exchanged at Guatemala, 12th October, 1875.

SECOND SCHEDULE.

The following list of crimes is to be construed according to the law existing in Canada at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act, and as including only such crimes,

crimes, of the descriptions comprised in the list, as are, under that law, indictable offences:—

Murder, or attempt or conspiracy to murder;

Manslaughter;

Counterfeiting or altering money, and uttering counterfeit or altered money;

Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered;

Larceny;

Embezzlement;

Obtaining money or goods, or valuable securities by false pretences;

Crimes against bankruptcy or insolvency law;

Fraud by a bailee, banker, agent, factor, trustee, or by a director or member or officer of any company, which fraud is made criminal by any Act for the time being in force;

Rape;

Abduction;

Child-stealing;

Kidnapping;

False imprisonment;

Burglary, house-breaking or shop-breaking;

Arson;

Robbery;

Threats by letter or otherwise, with intent to extort;

Perjury or subornation of perjury;

Piracy by municipal law or law of nations, committed on board of or against a vessel of a Foreign State;

Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so;

Assault on board such vessel at sea, whether on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm;

Revolt or conspiracy to revolt by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America, against the authority of the master;

Any offence under the Act of Canada, passed in the year of our Lord one thousand eight hundred and sixty-nine, intituled "*An Act respecting Larceny and other similar offences,*" or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this schedule;

Any offence under the Act passed in the said year, intituled "*An Act respecting Malicious Injuries to Property,*" or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this schedule;

Any offence under the Act passed in the said year, intituled "*An Act respecting forgery,*" or any Act amending or substituted

stituted for the same, which offence is not included in any foregoing portion of this schedule;

Any offence under the Act passed in the said year, intituled "*An Act respecting Offences relating to the Coin*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this schedule:

Any offence under the Act passed in the said year, intituled "*An Act respecting Offences against the Person*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this schedule;

Any offence, which is, in the case of the principal offender, included in any foregoing portion of this schedule, and for which the fugitive criminal, though not the principal, is liable to be tried or punished as if he were the principal.

THIRD SCHEDULE.

Form of Warrant of Apprehension.

———— ;

To wit:—

To all and each of the constables of

Whereas it has been shown to the undersigned, a judge under "*The Extradition Act*, 1877," that late of is accused (*or* convicted) of the crime of within the jurisdiction of

This is therefore to command you, in Her Majesty's name, forthwith to apprehend the said and to bring him before me, or some other Judge under the said Act to be further dealt with according to law; for which this shall be your warrant.

Given under my hand and seal at this day of A.D.

Form of Warrant of Committal.

———— ;

To wit:—

To one of the constables of and to the keeper of the at

Be it remembered that on this day of in the year of our Lord at is brought before me a judge under "*The Extradition Act*, 1877," who has been apprehended

apprehended under the said Act, to be dealt with according to law; and forasmuch as I have determined that he should be surrendered in pursuance of the said Act, on the ground of his being accused (*or* convicted) of the crime of within the jurisdiction of

This is therefore to command you, the said constable, in Her Majesty's name, forthwith to convey and deliver the said into the custody of the keeper of the at and you, the said keeper, to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Act, for which this shall be your warrant.

Given under my hand and seal at this day of A.D.

Form of Order of Minister of Justice for Surrender.

To the keeper of the at and to

Whereas late of accused (*or* convicted) of the crime of within the jurisdiction of was delivered into the custody of you the keeper of the at by warrant dated pursuant to "*The Extradition Act*, 1877:"

Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the said into the custody of the said ; and I command you, the said to receive the said into your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons (*or* of) appointed by the said to receive him: for which this shall be your warrant.

Given under the hand and seal of the undersigned Minister of Justice of Canada, this day of A.D.

CHAP.

CHAP. 26.

An Act respecting Procedure and Evidence in Criminal Cases.

[*Assented to 28th April,* 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Effect of s. 28 of 32-33 V., c. 29 restricted in certain cases.

1. The provisions of section twenty-eight of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law,*" shall not extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment, containing a count or counts for any of the offences mentioned in the said twenty-eighth section, if such count or counts be such as may now be lawfully joined with the rest of such bill of indictment, and if the same count or counts be founded (in the opinion of the court in or before which the said bill of indictment is preferred) upon the facts or evidence disclosed in any examination or deposition taken before a Justice of the Peace, in the presence of the person accused or proposed to be accused by such bill of indictment, and transmitted or delivered to such court in due course of law; and nothing in the said section shall extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment, if such bill be presented to the Grand Jury with the consent of the court in or before which the same may be preferred.

Further restrictions.

The said sections and this Act to apply to nuisance.

2. All the provisions of the twenty-eighth section of the above recited Act, and of this Act, shall extend and be applicable to the offences of nuisance, and of forcible entry or detainer, and the said section shall henceforth be read as if the said offences had been included therein.

Evidence as to former possession of other stolen goods.

3. Where proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, evidence may be given, at any stage of the proceedings, that there was found in the possession of such person, other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him: Provided that not less than three days' notice in writing shall have been given to the person accused that proof is

Proviso: Notice must have been

is intended to be given of such other property, stolen within the preceding period of twelve months, having been found in his possession; and such notice shall specify the nature or description of such other property, and the person from whom the same was stolen. given to the accused.

4. Where proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession,—then if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen; Provided that not less than three days' notice in writing shall have been given to the person accused that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the person so accused. Evidence as to previous conviction for fraud or dishonesty. Proviso: Notice to accused. Indictment need not charge previous conviction.

5. The sixty-fourth section of the said Act is hereby amended by adding the following words:— Section 64 amended.

"Provided that for the purposes of this section a deposition of the witness purporting to have been taken before a justice or justices on the investigation of the charge, and to be signed by the witness and the justice or justices, returned to and produced from the custody of the proper officer, shall be *primâ facie* presumed to have been signed by the witness." Proviso: Proof of deposition of witnesses.

6. The ninety-fifth section of the said Act is hereby amended by adding thereto the words following: "And "wherever practicable every whipping shall take place not "less than ten days before the expiration of any term of "imprisonment to which the offender is sentenced for the "offence." Section 95 amended as to whipping.

7. The one hundredth and first section of the said Act is hereby amended by inserting after the word "Act," in the second line, the words: "whether before or after the first "day of July, eighteen hundred and sixty-seven." Section 101 amended.

CHAP.

CHAP. 27.

An Act to amend the law respecting appeals from convictions before, or orders by Justices of the Peace.

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS it is expedient to amend the law with reference to appeals from convictions before, and orders by Justices of the Peace: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

39 V. c. 23 repealed.

1. The Act thirty-ninth Victoria, chapter twenty-three, intituled "*An Act to supply an omission in the Act thirty-seven Victoria, chapter forty-two, extending certain Criminal Laws of Canada to British Columbia*," is hereby repealed.

Part of s. 1 of 33 V. c. 27 repealed.

2. So much of the first section of the Act thirty-third Victoria, chapter twenty-seven, intituled "*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," as precedes the first sub-section of the section thereby substituted is hereby repealed and the following substituted therefor:—

Section 65 of 32, 33, V. c. 31 repealed.

"**1.** Section sixty-five of the said Act is hereby repealed and the following section substituted:—

Unless otherwise provided such appeals to be to certain Courts in the several Provinces.

"**65.** Unless it be otherwise provided in any special Act under which a conviction takes place or an order is made by a Justice or Justices of the Peace, or unless some other court of appeal having jurisdiction in the premises is provided by an Act of the Legislature of the Province within which such conviction takes place or such order is made, any person who thinks himself aggrieved by any such conviction or order, may appeal, in the Province of Quebec to the Court of Queen's Bench, Crown side; in the Province of Ontario, to the Court of General or Quarter Sessions of the Peace; in the Province of Nova Scotia, to the County Court of the district where the cause of the information or complaint arose; in the Province of New Brunswick, to the County Court of the district where the cause of the information or complaint arose; in the Province of Manitoba, to the County Court of the county where the cause of the information or complaint arose; and in the Province of British Columbia, to the County or District Court, at the sitting thereof, which shall be held nearest to the place where the cause of the information or complaint arose. In case some other court of appeal be provided in any Province as aforesaid the appeal

Unless another Court be provided.

appeal shall be to such Court. Every right of appeal shall, unless it be otherwise provided in any special Act, be subject to the conditions following:"

3. Whenever, in the Act thirty-second and thirty-third Victoria, chapter thirty-one, intituled "*An Act respecting the duties of Justices of the Peace out of sessions in relation to summary convictions and orders*," any duty in relation to an appeal is imposed on any officer by the term "Clerk of the Peace," the said term shall include the proper officer of the court having jurisdiction in appeal under the said Act and the Acts amending the same, including this Act. "Clerk of the Peace," whom to include in 32, 33, V. c. 31.

CHAP. 28.

An Act to amend the Act respecting Offences against the Person.

[*Assented to 28th April*, 1877.]

WHEREAS it is expedient to amend the Criminal Law relating to Offences against the Person; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The tenth section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty, intituled "*An Act respecting Offences against the Person*," is hereby repealed, and the following is substituted therefor:— S. 10 of 32-33 V. c. 20 repealed.

"**10.** Whosoever administers, or causes to be administered, or to be taken by any person, any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement." New section substituted: Administering poison or wounding with intent to murder. Punishment.

2. The fifty-first section of the said Act is hereby repealed, and the following is substituted therefor:— S.51 repealed.

"**51.** Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than five years." Carnally knowing girl under ten years of age. Punishment.

CHAP. 29.

An Act to amend the Act respecting Larceny and other similar offences.

[*Assented to 28th April,* 1877.]

Preamble.

FOR remedying an omission in the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Larceny and other similar offences,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

32-33 V., c. 21.

Word "cattle" how construed.

1. The first section of the said Act is hereby amended by inserting in the clause defining the term "cattle," the word "sheep" after the word "swine."

And in 32-33 V., c. 22.

2. The word "cattle," wherever used in the Act passed in the said session, intituled "*An Act respecting Malicious Injuries to Property,*" shall have the meaning assigned to it in the said "*Act respecting Larceny and other similar offences,*" as amended by this Act.

Sec. 4 of 32-33 V., c. 21 amended.

3. The fourth section of the said first cited Act is amended by striking out the word "three" and substituting the word "seven."

CHAP. 30.

An Act to make provision against the improper use of Firearms.

[*Assented to 28th April,* 1877.]

Preamble.

WHEREAS it is expedient to make provision against the improper use of Firearms; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Persons carrying pistol or air gun without cause may be bound to keep the peace.

1. Whosoever has upon his person a pistol or air gun without reasonable cause to fear an assault or other injury to his person or his family or property, may, upon complaint made before any Justice of the Peace. be required to find sureties for keeping the peace for a term not exceeding six months; and in default of finding such sureties may be imprisoned in any gaol or place of confinement for a term not exceeding thirty days.

2. Whosoever, when arrested either on a warrant issued against him for an offence or whilst committing an offence, has upon his person a pistol or air gun, shall be liable on conviction thereof to a fine of not less than twenty dollars or more than fifty dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding three months. Having a pistol or air gun when arrested or when committing an offence.

3. Whosoever has upon his person a pistol or air gun, with intent therewith unlawfully and maliciously to do injury to any other person, shall be liable on conviction thereof, to a fine of not less than fifty or more than two hundred dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding six months: Or with intent to injure any one.

(2) The intent aforesaid may be *primâ facie* inferred from the fact of the pistol or air gun being on the person. Intent presumed.

4. Whosoever, without lawful excuse, points at another person any firearm or air gun, whether loaded or unloaded, shall be liable on conviction thereof, to a fine of not less than twenty or more than fifty dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding thirty days. Pointing firearm at any person, without excuse.

5. The seventy-fourth, seventy-fifth and seventy-sixth sections of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty, intituled "*An Act respecting offences against the person*," shall apply and extend to any offence against the second, third or fourth section of this Act. Sections 74, 75, 76 of 32, 33 V. c. 20 to apply.

6. Nothing in this Act contained shall prevent any person from being liable, under any other Act or otherwise, to any other or greater punishment than is provided for any offence by this Act; so, however, that no person be punished twice for the same offence. Not to prevent greater punishment if incurred.

7. Nothing in this Act contained shall be held to affect any right of any soldier, sailor or volunteer, in Her Majesty's service, constable or policeman, to carry loaded pistols in the discharge of his duty. Exception as to soldiers on duty.

CHAP. 31.

An Act for the repression of Betting and Pool-selling.

[*Assented to 28th April,* 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Any person keeping a place for recording bets or selling pools, &c.

1. In case any person uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool, or—

(2.) Keeps, exhibits, or employs, or knowingly allows to be kept, exhibited, or employed, in any part of any premises under his control, any device or apparatus, for the purpose of recording or registering any bet or wager or selling any pool, or—

(3.) Becomes the custodian or depositary of any money, property, or valuable thing staked, wagered, or pledged, or—

(4.) Records or registers any bet or wager, or sells any pool,—

Upon the result (*a*) of any political or municipal election, or (*b*) of any race, or (*c*) of any contest or trial of skill or endurance of man or beast,—

Is guilty of misdemeanor: Punishment.

Such person is guilty of a misdemeanor, and shall be liable to be imprisoned in any common gaol for any term less than one year, with or without hard labour, and to a fine not exceeding one thousand dollars.

Act to come into force 1st May, 1878, and not to extend to holders of stakes in certain cases.

2. Provided always, that this Act shall not come into operation until the first of May, one thousand eight hundred and seventy-eight, and shall not extend to any person by reason of his becoming the custodian or depositary of any money, property or valuable thing staked, to be paid to the winner of any lawful race, sport, game, or exercise, or to the owner of any horse engaged in any lawful race, or to bets between individuals.

Sec. 2 of 32, 33 V., c. 32, amended as to cases under this Act.

3. The second section of the Act thirty-second and thirty-third Victoria, chapter thirty-two, intituled "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" is hereby amended by adding after the words "bawdy house" in the sixth sub-section, the following:—

"7.

"7. With having committed a misdemeanor under the Act passed in the fortieth year of Her Majesty's reign, intituled '*An Act for the repression of Betting and Pool-selling.*'"

CHAP. 32.

An Act for the Prevention of Gambling Practices in certain Public Conveyances.

[*Assented to 28th April,* 1877.]

FOR the prevention of gambling practices in certain public conveyances, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Whosoever in any railway car, or steamboat, used as a public conveyance for passengers, by means of the game commonly known as "three card monte," or of any other game of cards, dice, or other instrument of gambling, or by any device of like character, obtains from any other person any money, chattel, valuable security or property, shall be deemed guilty of the misdemeanor of having obtained the same unlawfully by false pretences, and shall be liable to be punished by imprisonment in any gaol or place of confinement for any term less than one year, with or without hard labour, and with or without solitary confinement; and every person aiding, encouraging, advising or confederating with any person in the commission of the said offence shall be deemed guilty thereof and liable to be punished in like manner, as a principal therein; and any attempt to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him, shall be a misdemeanor, punishable in like manner as the offence itself.

Punishment of persons obtaining money by gambling in railway cars or steamboats

Confederates to be punishable as principals.

2 Such offence may be dealt with, inquired of, tried, determined and punished as being committed either at the place where it actually took place, or in any district, county or place through or adjoining to or by the boundary of any part whereof the railway car, or steamboat passed in the course of the journey or voyage during which the offence was committed, in the same manner as if it had been actually committed in such district, county or place.

Where the offence may be tried and punished.

3. It shall be lawful for and it shall be the duty of any conductor, master or superior officer in charge of, and for any clerk or employee when authorized by the conductor or superior

ductor or master, or persons authorized by

them, shall arrest offenders. superior officer in charge in any railway train, or steamboat, station or landing place in or at which any such offence, as aforesaid, is committed or attempted, with or without warrant to arrest any person or persons whom he has good reason to believe to have committed or attempted to commit the same, and to take them before a Justice of the Peace, and make complaint of such offence on oath, in writing; and the offender, whether arrested with or without a warrant, shall be dealt with and other proceedings had as if he had been arrested upon a warrant of such justice.

How offenders shall be dealt with after arrest.

Money, &c., so obtained to be dealt with as stolen. How this Act shall be construed. 32, 33, V. c. 21 and 31. Fees to persons arresting an offender.

4. Any money or valuable thing obtained by an offence against the first section of this Act, shall be dealt with as obtained by larceny from the person; and this Act shall be interpreted as one Act with the "*Act respecting Larceny and other similar Offences;*" and the "*Act respecting the Duties of Justices of the Peace out of Sessions, in relation to persons charged with Indictable Offences,*" and other Acts relating to criminal law shall, so far as consistent with this Act, apply to proceedings under it; and any person arresting an offender, with or without a warrant, and taking him before a Justice of the Peace, and otherwise complying with this Act in respect of such offender, shall be entitled to the same fees, payable in the same manner, as if he had so done under a warrant of such justice.

Copies of Act to be posted. Penalty for default.

5. The company or persons owning or working any railway car or steamboat to which this Act applies, shall keep a copy thereof posted up in some conspicuous part of such conveyance, and any conductor, master or superior officer in charge who makes default in the discharge of any duty imposed on him by the third section, shall, on conviction thereof before a Justice of the Peace, be liable to a penalty of not less than twenty nor more than one hundred dollars."

CHAP. 33.

An Act to amend the Act for the suppression of Gaming Houses.

[*Assented to 28th April,* 1877.]

Preamble. 38 V., c. 41.

WHEREAS it is expedient to amend the Act for suppressing Gaming Houses; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. The first section of the Act thirty-eighth Victoria, chapter forty-one, intituled "*An Act for suppressing Gaming Houses and to punish the keepers thereof,*" is hereby amended by inserting after the words "gaming house" in the eighth line, the words—"whether admission thereto be limited to those possessed of entrance keys, or otherwise." Section 1 amended.

2. Section three of the said Act is hereby amended by striking out all the words after the word "aforesaid" in the fifteenth line thereof. Section 3 amended.

3. The police magistrate or other justice before whom any person is taken by virtue of any order or warrant under the said Act shall direct any cards, dice, balls, counters, tables or other instruments of gaming used in playing any game, and seized under the said Act, in any place used as a common gaming house, to be forthwith destroyed. Instruments of gaming seized to be destroyed.

4. Any person playing or looking on while any other person is playing in a common gaming house is guilty of an offence, and shall be liable on conviction thereof to a fine of not less than twenty, nor more than one hundred dollars, and in default of payment to imprisonment in the common gaol for a term not exceeding two months: Provided always, that such person shall not be liable on his trial to examination under the sixth section of the Act by this Act amended. Punishment of persons found in a common gaming house. Proviso:

5. The third and fourth sections of this Act shall be read and taken as part of the Act by this Act amended. Construction of Act.

. Th[illegible] thirty-second and thirty-third Victoria, chapter thirty-two, intituled "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" shall apply to cases arising under the fourth section of this Act. 32-33 V., c. 32 to apply to cases under section 4.

CHAP. 34.

An Act to amend the Post Office Act, 1875.

[*Assented to 28th April,* 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Sub-section seventeen of section seventy-two of the Act thirty-eighth Victoria, chapter seven, known as "*The Post Office Act,* 1875," is hereby repealed and the following substituted therefor:— Sub-section 17 of s. 72 of 38 V. c. 7 repealed, and new one substituted.

"17.

Abandoning or obstructing, Mail, &c., to be misdemeanor.

"17. To abandon, or to obstruct or wilfully delay the passing or progress of any mail, or any car, train, locomotive engine, tender, carriage, vessel, horse or animal employed in conveying any mail on any railway, public highway, river, canal, or water communication, shall be a misdemeanor;"

Not to prevent greater punishment if incurred.

Proviso.

2. Nothing in the foregoing sub-section contained shall prevent any person from being liable, under any other Act or otherwise, to any other or greater punishment than is provided for any offence under the said sub-section,--so, however, that no person be punished twice for the same offence.

CHAP. 35.

An Act to repeal certain laws making Breaches of Contracts of Service criminal, and to provide for the punishment of certain Breaches of Contract.

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS breaches of contract, whether of service, or otherwise, are in general civil wrongs only, and not criminal in their nature; and it is just that breaches of contract of service should in general be treated like other breaches of contract, as civil wrongs, and not as crimes; and that the law should be amended accordingly; And whereas certain wilful and malicious breaches of contract, involving danger to persons or property, or grave public inconvenience, should be punished as crimes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Repeal of so much of c. 75 Con. Stat., U.C.

And of c. 27, Con. Stat. L.C.

1. All those parts of sections four, five, seven, nine, ten and eleven of the Act chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting Master and Servant*," and all those parts of sections five and seven of the Act chapter twenty-seven, of the Consolidated Statutes for Lower Canada, intituled "*An Act respecting Masters and Servants in the Country Parts*," (as amended by the Act of the legislature of the late Province of Canada, twenty-ninth and thirtieth Victoria, chapter thirty-four, intituled "*An Act to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada, respecting Masters and Servants in the Country Parts*,") and all those parts of section three

three of the Act of the legislature of the Province of Prince Edward Island, second William the Fourth, chapter twenty-six, intituled "*An Act for repealing an Act of the thirty-fifth year of the reign of King George the Third, intituled 'An Act for regulating Servants,' and for substituting other provisions in lieu thereof,*" which make a violation of any of the provisions of any of the said sections criminal, shall be and stand repealed from and after the first day of May in the year of Our Lord one thousand eight hundred and seventy-eight.

And of Act of P.E.I. 2 W. 4, c. 26.

As makes breach of contract a crime, from 1st May, 1878

(2). All those parts of sections two and three of the said chapter twenty-seven of the Consolidated Statutes for Lower Canada, as amended as aforesaid, which make a violation of any of the provisions of either of the said sections criminal, and which sections have been repealed by the act of the Legislature of Quebec, thirty-third Victoria, chapter twenty, intituled "*An Act further to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada respecting Masters and Servants in the country parts*" are hereby repealed.

Other parts of c. 27 of Con. Stat., L. C., repealed.

2. Any person who wilfully and maliciously breaks any contract made by him, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury ; and

Breach of contract endangering life, person or property.

(2.) Any person who, being under any contract made by him with any municipal corporation or authority, or with any company bound, agreeing or assuming to supply any city or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks such contract, knowing or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly, or to a great extent of their supply of gas or water ; and

Or with case of gas or wate companies, or municipal corporation.

(3.) Any person who, being under any contract made by him—

Or railway companies.

(*a.*) With a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or passengers or freight ; or—

(*b.*) With Her Majesty, or any one on behalf of Her Majesty, or of the Government, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried,—

Wilfully

Wilfully and maliciously breaks such contract, knowing, or having reason to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to delay or prevent the running of any locomotive engine, or tender, or freight or passenger train or car on the railway,—

How punishable. Shall, on conviction thereof, be liable to be punished by fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding three months, with or without hard labor.

Breach of contract by municipal authority, gas or water company. **3.** Any municipal corporation or authority or any company, which, being bound, agreeing or assuming to supply any city, or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks any contract made by such municipal corporation, authority, or company, knowing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place or part thereof, wholly or to a great extent, of their supply of gas and water; and—

Or railway company. (2). Any railway company which, being bound, agreeing or assuming to carry Her Majesty's mails or passengers or freight, wilfully and maliciously breaks any contract made by such railway company, knowing or having reason to believe that the probable consequences of its so doing will be to delay or prevent the running of any locomotive engine or tender or freight or passenger train or car on the railway, shall be liable to a penalty not exceeding one hundred dollars.

How punishable.

Word "maliciously" how construed. **4.** The word "maliciously," used in reference to any offence against this Act, shall be construed in the same manner as it is required in the sixty-sixth section of the Act thirty-second and thirty-third Victoria, chapter twenty-two, intituled "*An Act respecting Malicious Injuries to Property,*" to be construed with reference to any offence committed against the last mentioned Act.

Prosecution to be as under 35 V. c. 31 amended by 39 V. c. 37. **5.** All offences against the second section of this Act shall be prosecuted as provided by the Act thirty-fifth Victoria, chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation,*" as amended by the Act thirty-ninth Victoria, chapter thirty-seven, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation.*"

Not to prevent liability to greater punishment. **6.** Nothing in this Act contained shall prevent any person from being liable under any other Act, or otherwise, to any other or greater punishment than is provided for any offence by this Act,—so, however, that no person be punished twice for the same offence.

7.



7. Every municipal corporation, authority, or company mentioned in the second section, shall cause to be posted up at the gas-works, or water-works, or railway stations, as the case may be, belonging to such corporation, authority, or company, a printed copy of this Act, in some conspicuous place, where the same may be conveniently read by the public, and as often as such copy becomes defaced, obliterated or destroyed, shall cause it to be renewed with all reasonable despatch; Municipalities, gas, water or railway companies, to post up copies of this Act.

(2.) Any such municipal corporation, authority, or company, making default in complying with the provisions of this section, in relation to such copy as aforesaid, shall be liable to a penalty not exceeding twenty dollars, for every day during which such default continues; and any person unlawfully injuring, defacing, or covering up any such copy so posted up, as aforesaid, shall be liable, on summary conviction, to a penalty not exceeding ten dollars. Penalty for default.

8. This Act may be cited as "*The Breaches of Contract Act*, 1877." Short title.

CHAP. 36.

An Act to provide for the employment without the walls of Common Gaols, of prisoners sentenced to imprisonment therein.

[*Assented to 28th April*, 1877.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Lieutenant-Governor of any Province in Council may, from time to time, make and alter regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in any common gaol employed beyond the limits thereof. Lt.-Governor in Council may make regulations under this Act.

2. After such regulations are made, the Lieutenant-Governor of the Province in Council may, from time to time, direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any Province, is sentenced to be imprisoned with hard labor in such gaol, for any crime against any law of Canada. And may then authorize employment of prisoners outside of gaols.

Discipline of gaol to be observed.

3. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol, so far as applicable, and to any regulations made under the first section of this Act.

Supervision.

4. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty.

Place of work, &c., to be deemed part of gaol.

5. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol; and any escape or attempt at escape, and any rescue or attempt at rescue, shall be held as if such escape or attempt at escape, or rescue or attempt at rescue, had taken place within or from the gaol.

CHAP. 37.

An Act to provide for the safe custody of prisoners in places where the Common Gaols become temporarily insecure.

[*Assented to* 28*th April*, 1877.]

Preamble.

WHEREAS gaols may, through fire, or wear and tear, or from the necessity of alteration or re-building, or from other causes, from time to time, become temporarily insecure, and it is expedient to make provision for the safe keeping of persons imprisoned in such gaols; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lt.-Governor in Council may substitute a neighbouring gaol for an insecure one, by proclamation.

1. The Lieutenant-Governor of any Province of Canada in Council may, by proclamation published in the Official Gazette of the Province, and also in the *Canada Gazette*, declare that the common gaol of any district, county or place in such Province is insecure, and name the gaol of any adjoining district, county or place as the gaol to which offenders within such first mentioned district, county or place, may, from and after a time stated, be committed or sentenced.

Effect of such proclamation as to persons who would otherwise be imprisoned in the insecure gaol.

2. Thereafter, during the continuance of such proclamation, any person who would otherwise be committed to or sentenced to imprisonment in the common gaol so declared insecure, shall be committed to, or sentenced to imprisonment in the gaol named in the proclamation for the purpose, and

and the respective sheriffs and officers shall have authority to deliver and receive any such person; and a warrant directed to the gaoler of the insecure gaol shall be a sufficient authority for the gaoler of the gaol so named as aforesaid, to detain in such gaol according to the exigency of the warrant, or until he is removed as is hereinafter provided, the person named in such warrant.

As to place of trial of prisoners in substituted gaol, etc.

3. Every person confined for safe custody under the provisions of the second section, may be tried in the district, county or place in the gaol whereof he is confined, unless the judge, or other person presiding at the court at which it is proposed to try such person, or a judge of a court having jurisdiction to try the offence shall otherwise direct; and the Court of General Gaol Delivery or General Sessions of the Peace, or other court having like powers, held in such district, county or place, and every judge presiding thereat, shall have jurisdiction to make, in reference to any person committed in default of sureties for good behavior, or to keep the peace, the like order as such court or judge might make if the court was being held in the district, county or place in which such person was committed.

Powers of court and judges.

Transfer of prisoners to substituted gaol.

4. The Lieutenant-Governor in Council, may, after the issue of such proclamation, from time to time, direct the sheriff to transfer such of the prisoners then confined in such insecure gaol, as the Lieutenant-Governor may think proper, to the gaol so named as aforesaid; and such order shall be a sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein any such prisoner, according to the exigency of the warrant or sentence under which he was confined in such insecure gaol; and the provisions of the third and sixth sections shall apply to every such prisoner.

Proclamation superseding that first issued.

5. The Lieutenant-Governor in Council may, at any time, by his proclamation published in the Official Gazette of the Province, and also in the *Canada Gazette*, declare that any proclamation issued under the first section of this Act, shall, from and after a time stated, cease to have effect; and such proclamation shall cease to have effect accordingly.

Re-transfer of prisoners in consequence.

6. The Lieutenant-Governor in Council may, after the issue of such proclamation as is provided for in the fifth section, direct the sheriff to transfer so many of the prisoners then confined in the gaol so named as aforesaid, as the Lieutenant-Governor may think proper, to the gaol of the district, county or place in which, but for the operation of the preceding sections, such prisoners would have been confined; and such order shall be sufficient authority to the respective sheriffs and officers to deliver and receive, and to the

the keeper of such last mentioned gaol to detain therein, any such prisoners, according to the exigency of the warrant or sentence under which they were originally confined.

Act 31 V., c. 74, not affected by this Act.

7. Nothing in this Act contained shall in any wise affect the provisions of the Act passed in the thirty-first year of Her Majesty's reign, chapter seventy-four, intituled "*An Act respecting persons in custody charged with high treason or felony.*"

CHAP. 38.

An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend "The Penitentiary Act of 1875."

[*Assented to* 28*th April*, 1877.]

Preamble.

34 V. c. 26 and agreement under it.

38 V. c. 44.

WHEREAS the agreement, of which a copy is appended as a Schedule to this Act, for the transfer to the Province of Ontario, of Rockwood Asylum and the land appurtenant thereto, under the Act passed in the thirty-fourth year of Her Majesty's reign, chapter twenty-six, authorizing such transfer, has been approved by the Governor in Council, as provided by the said Act; and it is expedient to approve the same, and to make provision for the confinement and treatment of insane convicts in the Kingston Penitentiary, and to amend "*The Penitentiary Act of* 1875:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Approval.

1. The said agreement is hereby approved.

Ward for insane convicts.

2. The Governor in Council may, at any time and from time to time, in his discretion, direct the Warden of the Kingston Penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the Insane Ward of the penitentiary.

Their removal to the Penitentiary.

3. The Governor in Council may at any time direct the Warden to remove the insane convicts confined in Rockwood Asylum, whose sentences have not expired, to the penitentiary.

Surgeon to report each case of convict becoming insane.

4. Should it at any time appear to the Surgeon of the penitentiary that any convict confined therein is insane and ought to be removed to the insane ward, he shall report

report the same in writing to the Warden, and on such report the Warden shall forthwith remove such convict to the insane ward.

5. If at any time before the termination of the sentence of such convict it be certified to the Warden by the Surgeon that such convict has recovered his reason and is in a fit state to be removed from the insane ward, the Warden shall remove such convict from the insane ward.

If such convict afterwards becomes sane.

6. If the term of imprisonment of any convict expires while detained in the insane ward as insane, he may nevertheless continue to be detained therein pending the proceedings authorized by this Act.

If insane when his term expires.

7. In such case the Surgeon shall forthwith certify to the Warden whether the person is sane or insane.

Certificate of surgeon.

8. If the Surgeon certifies that the person is sane, he shall be forthwith discharged.

Discharge sane.

9. If the Surgeon certifies that the person is insane, the Warden shall report the fact to the Inspector; and the Secretary of State shall, thereupon communicate the fact to the Lieutenant Governor of the Province within which the person was sentenced, in order to his removal to a place of safe keeping.

Report in order to removal if insane.

10. The Lieutenant-Governor may, thereupon, order the removal of the person to a place of safe keeping within the Province, and he shall, upon such order, be delivered to the person or persons therein designated, for transport to such place, and he shall remain and be detained there or in such other place of safe keeping as the Lieutenant-Governor may, from time to time, order, until it appears to the Lieutenant-Governor that he has become of sound mind,--when the Lieutenant-Governor may order him to be discharged; but if, at any time after his removal to such place of safe keeping, and before his complete recovery, the Lieutenant-Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

Lt.-Governor to order removal.

Or may give convict up to his friends.

11. In case the Lieutenant-Governor of the Province within which any such person was sentenced, shall have made arrangements with the Lieutenant-Governor of Ontario for the safe keeping of any such person in Ontario, and such arrangements shall have been communicated to the Secretary of State, by the Lieutenant-Governors of the Provinces concerned, the Secretary of State shall in the case of any such person communicate under the ninth section of this Act, with the Lieutenant-Governor of Ontario, who shall in such cases have all the powers given by the tenth section

If arrangements have been made for safe-keeping of convict in Ontario.

12.

Provision if Lt.-Governor of Ontario does not provide for removal under s. 10.

12. In case the Lieutenant-Governor shall not, within two months after the Secretary of State shall have communicated, as provided by the ninth section, cause the person to be removed, under the tenth section, the Secretary of State may, on the recommendation of the Minister of Justice, direct him to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the Province within which he was sentenced; and, after such removal, all the provisions of the tenth section shall apply to his case.

Question of sanity how decided.

13. In case any question shall arise as to the sanity of any convict, the Minister of Justice may order an enquiry and report to be made by one or more medical men, in conjunction with the Surgeon, and may, upon such report, direct such action as may be necessary in order to the execution of this Act.

Medical superintendent of Rockwood to discharge duties of surgeon in certain cases.

14. The sixth and subsequent sections of this Act shall, so far as applicable, apply to the case of any insane person who, having been a penitentiary convict, shall be confined in Rockwood Asylum after the expiration of his term of imprisonment at any time between the date of the passing of this Act and the date of the transfer of Rockwood Asylum to Ontario; but, in such case, the Medical Superintendent of Rockwood Asylum shall discharge the duties by the said sections imposed on the Surgeon and Warden; and Rockwood Asylum shall be deemed a place of safe keeping in the Province of Ontario, within the meaning of this Act.

Failure of direction from Lieut.-Governor for removal of convict.

15. In case, at the time of the said transfer, any such person remains in Rockwood Asylum without the order of the Lieutenant-Governor of Ontario for that purpose. under this Act, such person shall be detained there for a period not exceeding two months, in order to arrangements being made for his safe keeping under this Act.

Certain sections of 38 V. c. 44, repealed.

16. From and after the first day of July next the sections of "*The Penitentiary Act of* 1875," from sixty-nine to eighty, both inclusive, and so much of the eighty-first section as relates to Rockwood Asylum, shall be repealed.

Section 7 amended.

17. The seventh section of the said Act is hereby amended by striking out the word "monthly" and substituting therefor the words "after each visit of inspection."

Section 9 amended.

18. The ninth section of the said Act is hereby amended by striking out the word "monthly," and by inserting after the words "Minister of Justice" the words following, "and to finally audit the same at each visit of inspection."

19.

19. The tenth section of the said Act is hereby amended by striking out the word "February" and substituting therefor the word "October," and by inserting between the words "preceding" and "year," the word "fiscal." Section 10 amended.

20. The fifteenth section of the said Act is hereby amended by striking out all the words after the words "Governor in Council" in the seventh line, and substituting therefor the words following, "by any proclamation published as "aforesaid, to declare that any tract of land established as a "penitentiary by the fourteenth section of this Act or by "any other law, or by proclamation under this section, "shall, from and after a certain day to be named in such "proclamation, cease to be a penitentiary; and such tract of "land shall cease to be a penitentiary accordingly." Section 15 amended. As to land ceasing to be used as part of a penitentiary.

21. The first sub-section of the thirty-fifth section of the said Act is hereby amended by inserting after the word "meals" the words "or school." Part of s. 35 amended.

22. This Act may be cited as "*The Penitentiary Amendment Act*, 1877." Short title.

SCHEDULE

Referred to in the Preamble of this Act.

This agreement, made the seventh day of February, in the year of our Lord one thousand eight hundred and seventy-seven, between the Honourable Alexander Mackenzie, as Minister of Public Works of Canada, and the Honourable Christopher Finlay Fraser, as the Commissioner of Public Works of the Province of Ontario:

Whereas, by the Act of the Parliamentof Canada, thirty-fourth Victoria, chapter twenty-six, after reciting that it may be found expedient to sell or lease Rockwood Asylum and its appurtenances to the Province of Ontario, and that it appears that the Commissioner of Public Works for that Province has been authorized to treat for the purchase or lease thereof, it is enacted as follows :—

"1. The Governor in Council may authorize and instruct the Minister of Public Works to treat with the Commissioner of Public Works for the Province of Ontario, for the sale or lease of Rockwood Asylum, and the land appurtenant thereto, and if the said Minister and Commissioner agree upon the terms of such sale or lease, and such terms are approved by the Governor in Council, the necessary measures may be adopted for giving effect to such agreement, subject to the approval of Parliament at its then next Session ;"

And whereas the Commissioner of Public Works for Ontario has been authorized to treat for the said purchase;

And whereas, by Order in Council of twenty-seventh November, one thousand eight hundred and seventy-six, the Minister of Public Works of Canada was authorized and instructed to treat with the Commissioner of Public Works for Ontario, for the sale of Rockwood Asylum and the land appertaining thereto;

Now therefore the said Minister and Commissioner do agree for the purchase and sale thereof, upon the following terms, namely:—

1. Ontario to pay Canada the sum of ninety-six thousand five hundred dollars for the freehold of the Asylum property including the buildings and lands connected therewith.

2. Ontario to take from Canada, at a valuation to be made by three or the majority of three arbitrators, one to be named by Canada, one to be named by Ontario, and the third to be chosen by the two so named, the chattels and effects upon the premises, save such of the cell furniture as may be reserved by Canada for the use of criminal lunatics to be removed to the Penitentiary.

3. The contracts for supplies existing at the time of the transfer to be assumed by Ontario.

4. The Staff to be taken over by Ontario.

5. The arrangement to take effect on the first of July next.

6. This agreement to be subject to the approval of the Parliament of Canada during its next Session, and of the Legislature of Ontario during its present Session.

In witness whereof the said parties hereunto have set their hands and seals at the day and year first above written.

(Signed,) A. MACKENZIE,
Minister of Public Works.

(Signed,) C. F. FRASER,
Commissioner of Public Works for Ontario.

Signed and sealed by the Minister of Public Works, in presence of

A. J. SMITH.

Signed and sealed by the Commissioner of Public Works for Ontario, in presence of

WM. EDWARDS.

CHAP.

CHAP. 39.

An Act to make provision for improvement in Prison Discipline.

[*Assented to 28th April,* 1877.]

WHEREAS it is expedient that prisoners under sentence for crime should have a motive for good behaviour, diligence, industry, faithfulness and strictness in the observance of the prison rules; And whereas the Province of Ontario has established a Central Prison of a character intermediate between the common gaols and the Penitentiary, under such provisions as to render practicable the application of this Act to the said Province; And whereas like prisons may, from time to time, be established in other Provinces of Canada, and it is expedient to provide for the application of this Act to all the Provinces: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. In case the Lieutenant-Governor of Ontario in Council makes rules for keeping a correct record of the daily conduct of every prisoner in the Central Prison, noting his behaviour, industry, diligence and faithfulness and the strictness with which he observes the prison regulations, and for the execution of the provisions of this Act as to remission; and in case such rules are, by the Governor in Council, declared adequate, the Governor in Council may by proclamation published in the *Canada Gazette* declare this Act in force within Ontario, from and after a day to be named in such proclamation. On what conditions this Act may be put in force in Ontario.

2. After this Act comes into force in Ontario and notwithstanding anything in any other Act contained, it shall be lawful for any judge sentencing any prisoner in Ontario to imprisonment in the Central Prison, to sentence such prisoner for a term not more than one-sixth longer than the maximum term at present prescribed by law for the offence; and any such sentence may be carried out in the Central Prison although it be for any term not exceeding two years and four months. Power to judge sentencing a prisoner in certain cases. Sentence may be carried out in Central Prison.

3. Every prisoner sentenced to the Central Prison after this Act comes into force in Ontario shall be entitled to earn a remission of a portion of the time for which he is sentenced, not exceeding five days for every month during which he shall have been exemplary in behaviour, industry and faithfulness and shall not have violated any of the prison rules; and if prevented from labour by sickness, not intentionally produced by himself, he shall be entitled to earn by good conduct Prisoner may earn a remission of his sentence.

conduct a remission not exceeding two and one-half days for every such month.

Forfeiture of remission in certain cases.

4. Every prisoner to whom this Act applies who commits any breach of the laws or of the prison regulations shall, besides any other penalty to which he is subjected, be liable to forfeit the whole or any part of any remission which he may have earned under this Act.

On what conditions this Act may be extended to other Provinces.

5. In case in any other Province a prison be at any time established of such a character as to render practicable the application of this Act to such Province; and in case the Lieutenant-Governor in Council makes rules for the purposes described in the first section of this Act, and in case such prison and the rules so made are by the Governor in Council declared adequate, the Governor in Council may, by proclamation published in the *Canada Gazette*, reciting the premises, and describing the prison, declare this Act in force within such Province from and after a day to be named in such proclamation; and the several provisions of this Act shall, from and after such day, apply to the said Province, and to judges sentencing prisoners, and to prisoners sentenced to imprisonment in such prison as fully and effectually as after the proclamation in that behalf it will apply to Ontario, and to judges sentencing prisoners, and to prisoners sentenced to imprisonment in the Central Prison in that Province.

CHAP. 40.

An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power.

[*Assented to 28th April*, 1877.]

Preamble.
31 V. c. 40
36 V. c. 46.

WHEREAS by the Act thirty-first Victoria, chapter forty, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" as amended by the Act thirty-sixth Victoria, chapter forty-six, intituled "*An Act to amend An Act respecting the Militia and Defence of the Dominion of Canada,*" it is provided that the Active Militia or any corps thereof, may be called out for active service in aid of the civil power in any case in which a riot, disturbance of the peace, or other emergency requiring such service, and beyond the power of the civil authorities to deal with, occurs or is anticipated; and that officers and men so called out shall receive from the municipality in which their services are required, pay and allowances;

(2.)

(2.) And whereas it is necessary to provide for the payment of the cost of transport of officers and men so called out, and not residing within the municipality in which their services are required;

(3.) And whereas in the case of a municipality within which passes a railway whereon Her Majesty's mails are conveyed, the conveyance of such mails may be obstructed by a riot or disturbance of the peace beyond the power of the civil authorities to deal with, and not local or provincial in its origin;

And whereas it may be unjust that the municipality should bear the whole expense of preventing or repressing such a riot or disturbance of the peace;

And whereas the circumstance that the whole of such expense must be borne by the municipality is calculated to hinder the local civil authorities from taking the proper action;

And whereas it may be just and expedient that some part of such expense should be borne by Canada:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In any such case as is referred to in the second clause of the preamble, the officers and men called out shall receive from the municipality the reasonable cost of transport in going and returning from and to the place where they reside, to and from the place where their services are required, and such cost may be recovered in like manner as the sums payable by the municipality under the first recited Act. **Cost of transport of Militia to be paid by municipality.**

2. In any such case as is referred to in the third clause of the preamble, it shall be lawful for the Governor in Council to pay or reimburse out of any moneys which may be provided by Parliament for the purpose, such part as may seem just of the proper expenses incurred by any municipality, by reason of any part of the active militia being called out in aid of the civil power under the provisions of the Acts hereinbefore recited. **Case in which part may be refunded by Canada.**

2. An account of any expenditure made under this section shall be laid before Parliament as soon as may be thereafter. **Account to Parliament.**

CHAP.

CHAP. 41.

An Act to amend the Insolvent Act of 1875, and the Act amending the same.

[*Assented to 28th April,* 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections amended are those of 38 V. c. 16.

1. The sections referred to in sections two to twenty-nine, both inclusive, of this Act are sections of "*The Insolvent Act of* 1875."

Section 11 amended.

2. Section eleven is amended by adding thereto the words "to be inserted once in the *Official Gazette* and once in one local or the nearest published newspaper."

Section 17 amended.

3. Section seventeen is amended by striking out the word "ten" in the first and third lines and inserting in lieu thereof the word "seven."

Section 19 amended.

4 Section nineteen is amended by adding after the word "or," in the third line, the words "in Quebec by the proper Notary or by;" and adding after the word "such," in the seventh line, the words "copy of the."

Section 20 amended.

5. Section twenty is amended by adding after the word "held," in the seventh line, the words "within twenty-one days," and by striking out the words "three weeks," in the eleventh line and inserting in lieu thereof the words "ten days," and by adding immediately after the last word in the section the words "Provided always, that if the assignee omits to call such meeting to be held within the time above limited, the Judge shall, on the application of the assignee or of any creditor, order the meeting to be called for the earliest possible day thereafter; and should the said omission have arisen from the negligence of the assignee, the Judge shall order him to pay the costs of the application; Provided also, that on application of any creditor, the Judge, on being satisfied that there are creditors of the insolvent whose unsecured claims amount to at least one-third of his direct liabilities, resident in any place from whence their attested claims cannot with due diligence be received before the day of the meeting, may order that the meeting be adjourned to some day not more than a week thereafter: a copy of the order shall forthwith be served on the assignee, who shall forthwith, by prepaid letter or circular, notify each creditor of the adjournment. In case such order be made, no business shall be transacted at the meeting, which shall stand adjourned according to the terms of the order."

Penalty on assignee omitting to call meeting.

Provision for delay in favour of distant creditors.

Notice to assignee and by him to creditors.

6.

6. Section twenty-one is amended by adding after the word "mail," in the first line, the words "prepaid and registered," and by striking out, in the second line, the words "in writing," and inserting in lieu thereof the words "of such meeting, and a list of the insolvent's creditors, and the amounts of their respective claims," and by striking out all after the word "require," in the seventh line, to the end of the section. Section 21 amended.

7. Section twenty-two is amended by adding thereto the words "in default of an appointment of chairman by the creditors." Section 22 amended.

8. Section twenty-eight is amended by inserting after the words "public officer," in the eighteenth line, the words following:—"Provided always, that when any person appointed assignee or joint assignee, under the provisions of the twenty-seventh section, has given the security for the due fulfilment and discharge of his duties, required by the preceding part of this section, then any person who has become surety in that behalf, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada, and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety, whichever shall first happen, and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is, for any reason, insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such extended period shall in no case exceed two months beyond the one month within which such new security is required to be given as abovementioned; and this proviso shall apply to the case of any new security which may from time to time be given." Section 28 amended. Proviso added as to withdrawal of sureties of assignees. Governor in Council may extend the time for giving new security.

9. Section thirty is amended by adding after the word "him," in the second line, the words "or if no security be required, then immediately upon his appointment." Section 30 amended.

10. Section thirty-one is amended by adding after the word "advertisement," in the second line, the words "to be "inserted once in the *Official Gazette*." Section 31 amended.

11. Section thirty-two is hereby repealed and the following substituted in lieu thereof:— Section 32 repealed.

"32.

New section substituted. Certain persons not to act for creditors or be employed in respect of an insolvent's estate.

"**32.** No person shall act as the attorney or agent of any creditor, upon any question as to the appointment of such person as assignee, or in reference to any claim or demand of such creditor on an insolvent estate of which such person is the assignee, nor shall any partner or employee of any person, act as the attorney or agent of any creditor in any matter in which under this section such person himself could not act, nor shall any assignee employ any person being his partner, as counsel, advocate, attorney, solicitor, or agent for such assignee in respect of the insolvent estate."

Section 35 amended. Certain persons not to be employed as to estate.

12. Section thirty-five is amended by adding thereto the words "or any claim against such estate; nor shall any assignee employ any inspector, nor shall any inspector employ any person being his partner, or being the partner of any assignee, or the partner of any inspector, as counsel, advocate, attorney, solicitor, or agent, in respect of the insolvent estate."

Section 43 amended.

13. Section forty-three is amended by adding after the word "fixed," in the twenty-first line, the words "by the creditors at their first meeting, or by the inspectors within one week thereafter, subject in either case to revision by the Court or Judge, and in default of being so fixed, shall be settled," and by adding thereto the following paragraph:—

Assignee overcharging must remove such overcharge on request.

"Any assignee who shall insert any charge in his account above or beyond the remuneration allowed to him by law, and who shall not remove it therefrom at the request in writing of any creditor or of the inspectors, within three days after the receipt of such request, shall forfeit and pay, in case the Judge shall so order, treble the amount of the overcharge to the funds of the estate."

Section 58 repealed.

14. Section fifty-eight is repealed.

Section 65 amended. Proviso added, conditions of discharge.

15. Section sixty-five is amended by adding thereto the words "Provided always that the Judge shall not grant any discharge under this section in any case, unless some one of the following conditions be established by proof, that is to say:—

What dividend must be paid;

1. That a dividend of not less than fifty cents in the dollar on the unsecured claims has been, or will be, paid out of the insolvent's property; or—

Or valid excuse given.

2. That such a dividend might have been paid but for the negligence or fraud of the Assignee or Inspectors; or—

That insolvent mailed a declaration of insolvency to his creditors, etc., etc.

3. That the Insolvent had, on some one day prior to the institution of the proceedings in insolvency, mailed, prepaid and registered, to the address of each of his creditors, so far as known to him, a declaration acknowledging his insolvency; and

and that no proceedings in insolvency had been instituted against the insolvent for more than one month after the mailing of such notices; and that such a dividend would have been paid but for circumstances for which the insolvent cannot justly be held responsible, arising more than one month after the mailing of such declaration."

16. Section seventy-one is amended by adding after the word "creditors" in the sixth line the words "or Inspectors," and by adding to the section the following words:— "But if the first meeting of creditors is not held until within such period of three months, then the power of terminating the lease may be exercised by the creditors at such meeting or by the Inspectors, within one week thereafter, but not later." Section 71 amended. Additional provision as to leases.

17 Section seventy-two is amended by adding after the word "creditors" in the fourth line, the words "or inspectors." Section 72 amended.

18. Section seventy-three is amended by adding after the word "creditors" in the fourth line the words "or inspectors." Section 73 amended.

19. Section seventy-four is amended by striking out the words "one year" in the fourth line and inserting in lieu thereof the words "six months." Section 74 amended.

20. Section seventy-five is amended by striking out the word "only" in the second line, and inserting in lieu thereof the words "in any Province other than Quebec no sale shall be completed unless (*a*) the proposed sale has been sanctioned by the creditors at their first meeting, or at any subsequent meeting called for the purpose, or by the inspectors; or (*b*) the assignee has advertised an auction sale or sale by tender in accordance with the directions in that behalf given by the creditors at their first meeting or at any subsequent meeting called for the purpose, or by the inspectors, and the inspectors sanction in writing the acceptance of a price not greater than the amount bid or tendered; in the Province of Quebec no sale of real estate shall be made unless." Section 75 amended as to sale of real estate. In provinces other than Quebec. In Quebec.

21. Section eighty-four is amended by striking out the last two lines, and inserting in lieu thereof the words "if such claim is mature or exigible at the date of the assignment or the issue of the writ of attachment, or becomes so and remains unpaid thereafter, whether before or after proof, such creditor shall be entitled for ranking to treat the claim as unsecured; but for voting or consenting to a discharge, or a deed of composition and discharge, or for any other purpose, save ranking, he shall be still considered to Section 84 amended. When insolvent is only secondarily liable on matured claim.

to hold security within the meaning of this section, and shall, for all such purposes, put a value on the liability of the party primarily liable thereon as being his security for the payment thereof."

Section 91 amended.

22. Section ninety-one is amended by striking out of the sixth line the word "three," and substituting in lieu thereof the word "two," and by striking out of the eighth line the words "two months," and substituting in lieu thereof the words "one month;" and by adding immediately after the last word in the section the words "and no assignee, payable by commission, shall be entitled to charge for any disbursement for procuring to be performed any service which he might properly have caused to be performed by any such clerk or other person, and for which he might otherwise charge under this Act; and no assignee whose remuneration is not fixed by this Act shall be entitled to remuneration for any service or for any disbursement in respect of any service which he might properly have caused to be performed by such clerk or other person."

Assignees not to charge for certain services.

Section 102 amended.

23. Section one hundred and two is amended by striking out after the word "meeting," in the fourth line, the words "and representing also the majority in value of such creditors," and by adding, after the last word in the section, the words "Provided, however, that no costs of or incidental to any such reference shall be paid out of the estate, and the decision of the Judge on any reference under this section in which the resolutions referred involve the appointment of an assignee or inspector to the estate, shall be final."

Proviso added as to costs.

Section 103 amended.

24. Section one hundred and three is amended by striking out the words "three weeks" in the second line, and inserting in lieu thereof the words "ten days."

Section 118 amended.

25. Section one hundred and eighteen is amended by striking out the words "and the costs of the judgment of confirmation of the discharge of the insolvent, except when such confirmation is upon a deed of composition, or of the discharge if obtained direct from the Court."

Section 123 amended.

26. Section one hundred and twenty-three is amended by striking out the words "Superior Courts of Common Law, and of the Court of Chancery or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Common Pleas, shall be one;" and inserting in lieu thereof the words "Court of Appeal, or a majority of them."

Section 125 amended.

27. Section one hundred and twenty-five is amended by striking out the words "if not an official assignee," and adding

adding at the end of the section the words "from the assigneeship of the estate."

28. Section one hundred and twenty-eight is amended by striking out the words "or unless he," in the thirty-fifth line, and inserting in lieu thereof the word "and," and by adding, after the last word of the section, the words "The judgment of the Court to which, under this section, the appeal can be made, shall be final."

Section 128 amended.

29 Section one hundred and thirty-three is amended by adding after the word "presumed" in the last line but one the words "*primâ facie*."

Section 133 amended.

30. Section one hundred and thirty-six is amended by adding, after the words "knowing or," in the eighth line, the words "having probable cause for."

Section 136 amended.

31. For all the purposes of "*The Insolvent Act of* 1875," the temporary Judicial District of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the Territorial District of Parry Sound and the Territorial District of Muskoka as is not already included in the judicial County of Simcoe, shall be taken and considered as part of the said judicial County of Simcoe; and all persons and courts having authority or jurisdiction in the said Counties of Renfrew and Simcoe respectively, under the said Act, shall have like authority and jurisdiction in the said District of Nipissing, and the said Districts of Parry Sound and Muskoka respectively.

Certain temporary judicial districts to be deemed parts of certain counties for the purposes of the said Act, (38 V., c. 16.

32. Section fifteen of the Act thirty-ninth Victoria chapter thirty, intituled "*An Act to amend the Insolvent Act of* 1875," is hereby repealed.

Section 15 of 39 V., c. 30 repealed.

33. No assignee shall, directly or indirectly at any time, advance or lend to any creditor any money, or become liable for any creditor to any other person for any money, upon the security or collateral security of such creditor's claim against the estate, or of any dividend declared or to be declared thereon, or of any security held by or for such creditor upon any part of the estate.

Assignee not to advance money on creditor's claims.

34 Every official assignee shall print and cause to be posted up in a conspicuous place in his office, sections thirty-two, forty-three and forty-five of the said "*Insolvent Act of* 1875," as amended, and at every meeting of creditors a printed copy of the said sections shall be laid upon the table.

Official assignees to post up certain sections of Act of 1875, as amended.

35. If it appears to the Court or Judge that an official assignee has been guilty of any fraud, breach of duty or wilful

Official assignee guilty of fraud, etc.,

to be reported to Secretary of State. wilful violation of any of the provisions of "*The Insolvent Act of* 1875," or the amending Acts, or has inserted any improper charge in any account or claim preferred by him against the estate, the Court or Judge shall forthwith make a report of the facts to the Secretary of State of Canada, for the information of the Governor.

Levying costs.

36. In all cases where money or costs are ordered by the Court or Judge to be paid, the same proceedings, as near as may be, may be taken for the collection of such money or costs as if the order was a judgment of the Court and the same were payable under such judgment.

Assignee to file a monthly statement with the Clerk of the Court.

37. The assignee shall, within the first five days of each calendar month, file in the office of the Clerk of the Court, a statement of the receipts and disbursements of the estate during the last preceding month, shewing also the balance of cash then in bank.

How amendments shall be construed and apply.

38. No amendment hereby made shall be held to be a declaration of the construction of any provision of "*The Insolvent Act of* 1875" as applicable to any proceeding heretofore had under the said Act; and the amendments made by the fifth, fourteenth, fifteenth, nineteenth and twenty-second sections of this Act shall not apply to any case in which an assignment was made or a writ of attachment issued before the passing of this Act.

Short titles.

39. The "*Insolvent Act of* 1875," the Act of 1876 amending it, and this Act, may be cited together as "*The Insolvent Act of* 1875, *and amending Acts.*"

CHAP. 42.

An Act to amend and consolidate certain Acts respecting Insurance.

[*Assented to* 28*th April*, 1877.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Interpretation.

1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say :—

1.

1. "Company" means and includes any corporation and any society or association, incorporated or unincorporated, and any partnership carrying on the business of insurance other than ocean marine insurance only : Company.

2. "Agent" means the chief agent of the Company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he may be designated : Agent.

3. "Chief Agency" means the principal office, or place of business of the Company in Canada : Chief Agency.

4. "Canadian Policy" or "Policy in Canada" means a policy issued by any company licensed under this Act to transact the business of life-insurance in Canada in favor of any person or persons resident in Canada at the time when such policy was issued, and "policy-holder in Canada" means any such person as aforesaid : Canadian policy.

This Act may be cited as "*The Consolidated Insurance Act*, 1877;" and this Act and the Act thirty-eighth Victoria, chapter twenty, may be cited together as "*The Insurance Acts of* 1875 *and* 1877." Short titles.

2. It shall not be lawful for any Insurance Company to issue any policy of life-insurance or to grant any annuity on lives or receive any premium or transact any business of life-insurance, in Canada, or to prosecute or maintain any suit, action or proceeding either at law or in equity, or to file any claim in insolvency relating to such business, founded on any policy in Canada, without first obtaining a license (as hereinafter provided for) from the Minister of Finance to carry on such business in Canada; but this Act shall not apply to any policy in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any Company which has not subsequently received a license. What Companies only may transact life insurance business in Canada. Proviso.

3. The license shall be in such form as may be, from time to time, determined by the Minister of Finance, and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. Form and duration of license.

4. The Minister of Finance so soon as the company applying for the same has deposited in the hands of the Receiver General the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall cause to be issued such license as aforesaid. License to issue on certain conditions.

5. Every Company shall, before the issue of such license, have deposited the sum of fifty thousand dollars with the Receiver General in securities as hereinafter named. All such Deposit of securities

Nature of securities.

such deposits may be made by any company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada; and by any company incorporated in the United Kingdom in securities of the United Kingdom; and by any company incorporated in the United States in securities of the United States; and the value of such securities shall be estimated by the Treasury Board at their market value at the time when they are so deposited. If any securities other than those above named are offered as a deposit they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Minister of Finance may call upon the company to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which it is required by this Act to deposit; and on failure by the Company to make such further deposit within sixty days after being called upon so to do, the Minister of Finance may withdraw its license.

Companies in U. K. Companies in U. S. Valuation of securities. Other securities, valuation of; If the value declines, further deposit. Penalty for failure.

Company may deposit further security. How to be dealt with.

6. Any company licensed under this Act may nevertheless at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum required to be deposited; and any such further sum or sums of money, or securities therefor, so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such company, as if the same had been part of such original deposit, and shall not be withdrawn except with the sanction of the Governor General in Council on the report of the Treasury Board.

Any deficiency of security to be made good. Penalty for failure.

7. If from the annual statements or after examination of the affairs and condition of any company, (as hereinafter provided for) it appears that its liabilities to policy-holders in Canada (including matured claims, and the full reserve or reinsurance value for outstanding policies as hereinafter described, after deducting any claim the company may have against such policies) exceed its assets in Canada,—including the deposit in the hands of the Receiver General,—then the company shall be called upon by the Minister of Finance to make good the deficiency; and on failure to do so within sixty days, he shall withdraw its license:

As to Company incorporated elsewhere than in Canada.

2. If the company be incorporated elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of any deposit which the company may have made with the Receiver General in conformity with the fifth and sixth sections of this Act, and of such assets as may have been vested

vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada,—such trustees to be appointed by the company and approved by the Minister of Finance,—by whom also the trust-deed must be approved; and the said trustees may deal with such assets in any manner provided by the deed of trust appointing them, so however that the value held by them shall not fall below that required by this section: Provided that in the case of any such company, which moreover shall have given written notice to the Minister of Finance before the thirty-first day of March in the year one thousand eight hundred and seventy-eight of its intention to avail itself of this proviso, the foregoing requirements of this section shall not apply to any policy issued previously to the thirty-first day of March in the year one thousand eight hundred and seventy-eight, and the deposit at present in the hands of the Receiver General shall be dealt with in regard to such policies in conformity with the fourth and fifth sections of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign and intituled "*An Act to amend the Act respecting Insurance companies;*" and whenever the full liability under such policies shall fall below the amount so held by the Receiver General, the Minister of Finance, with concurrence of the Treasury Board, may direct that the whole or such portion of the difference as he may deem advisable, shall be released and handed over to the company, and so on from time to time, until the total deposit with the Receiver General is reduced to the amount of fifty thousand dollars required by this Act.

Assets vested in trust.

Proviso as to Companies giving notice before 31st March, 1878.

34 V. c. 9. Release of surplus securities to such Company.

8. So long as any company's deposit is unimpaired, and the conditions of the preceding section are satisfied, and no notice of any judgment or order made by the proper court in that behalf under the fifteenth and sixteenth sections of this Act is served upon the Minister of Finance or Receiver General, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Interest on securities — when to be payable to Company.

9. Every company shall, before the issue of a license to it, have filed in the department of the Minister of Finance a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof, and also a power of attorney from the company to its agent in Canada, under the seal of the company (if it has a seal) and signed by the president and secretary or other proper officers thereof, in presence of a witness who must make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the necessary facts in that behalf; and such power of attorney must declare

Certain documents to be filed before license is granted.



declare at what place in Canada the head office, or chief agency of such company is, or is to be established, and must expressly authorize such attorney to receive process in all suits and proceedings against such company in any Province of Canada for any liabilities incurred by the company therein, and also to receive from the Minister of Finance and the Superintendent of Insurance, all notices which the law may require to be given, or which it may be thought advisable to give, and must declare that service of process for or in respect of such liabilities, and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such company on the thirty-first day of December then next preceding, or up to the usual balancing day of the company (provided that such day shall not be more than twelve months before the filing of the statement,) in such form as may be required by the Minister of Finance.

Provision to be made for service of process.

Statement of affairs of Company.

If changes are made in a chief agency.

Whenever any such company changes its chief agent or chief agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation, or articles of association of the company, and no change in the chief agency or chief agent, without such amendment or change having been duly notified to the Superintendent of Insurance.

Declaration of no change to be made in the annual statement.

Duplicates of such documents to be filed in Court.

Duplicates of all such documents duly verified as aforesaid, shall be filed in the office of one of the superior courts either of law or equity in the Province in which its head office, or chief agency is situated,—or if the chief agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such chief agency is established.

Service of process on Company.

10. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in any Province in Canada, may be validly served on the company at its chief agency; and such service shall be deemed to be service on the company.

Company to give notice of license.

11. Every company on first obtaining such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*,

Gazette, and in at least one newspaper in the county, city or place where the head office, or chief agency is established, and shall continue the publication thereof for the space of four weeks, and the like notice shall be given, for the space of three calendar months, when a company ceases, or notifies that it intends to cease, to carry on business in Canada.

And of ceasing business.

12. The Minister of Finance shall cause to be published quarterly in the *Canada Gazette* a list of companies licensed under this Act, with the amount of deposits made by each company; and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks.

Notices by Minister of Finance.

13. Any person (except as hereinafter provided in the seventeenth and eighteenth sections of this Act) who delivers any policy of insurance, or collects any premium (except only on policies issued to persons not resident in Canada at the time of issue,) or transacts any business of insurance on behalf of any life insurance company, without such license as aforesaid, shall be liable to a penalty of one thousand dollars for each such contravention of this Act,—which penalty may be sued for and recovered on information filed in the name of the Attorney General of Canada; and one-half of the said penalty when recovered shall be paid to the Crown, and the other half of the said penalty to the informer; and in case of non-payment of such penalty and costs within one month after such judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding six months in the discretion of the court wherein he is convicted.

Penalty for issuing any policy in contravention of this Act; except in cases under ss. 17 and 18.

How enforced and applied.

14. When the license of a company has been withdrawn by the Minister of Finance under the fifth or seventh section of this Act, such license may be renewed if, within thirty days of such withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister of Finance: and whenever satisfactory proof has been furnished to the Minister of Finance of any undisputed claim upon a company, arising on any policy in Canada, remaining unpaid for the space of sixty days after being due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister of Finance may withdraw the license of such company; but such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judgments upon or against the company are paid and satisfied.

Renewal of licenses which have been withdrawn under sections 5 or 7. Withdrawal of license for non-payment of claims.

Renewal if claim is satisfied.

Company whose license is withdrawn liable as for insolvency; exception under ss. 17 and 18.

15. Except in the cases provided for in the seventeenth and eighteenth sections of this Act, a company shall be liable to be dealt with in the manner hereinafter prescribed for the case of insolvency, whenever its license has expired or been withdrawn without the renewal of the same within thirty days after such expiry or withdrawal.

Application of assets held by trustees under s. 7, in cases of insolvency in the several Provinces.

In case of the insolvency of any company, all the assets held by the trustees as required by the seventh section of this Act, together with the deposits of such company held by the Receiver General, shall be applied *pro ratâ* towards the discharge of all claims of policy-holders in Canada duly authenticated against such company; and the distribution of such assets and deposits may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, or of British Columbia, or of Prince Edward Island, be made by order in Chancery or in Equity; or if applied for in the Province of Quebec or of Manitoba, may be made by judgment or order of distribution of the Superior Court within the district where the chief agency is situated.

Appointment of assignees, and their duties.

Notice.

Contestation of claims.

Rights of policy holders.

Valuation of policies—on what basis.

Exception.

Cost of valuation.

16. Upon the insolvency of any company, such court as aforesaid having jurisdiction in the Province (or sitting in the district, if such Province be the Province of Quebec or of Manitoba) where the chief agency in Canada of such company is situated, shall appoint an assignee or assignees, who may be an officer or officers of such court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Canada, and upon all such policy-holders to file their claims; and upon the filing of the claims before the assignees, the parties interested shall have the right of contestation thereof, and the right of appeal from their decision to such court as aforesaid, according to the practice of such court; and all policy-holders in Canada shall be entitled to claim for the full net values of their several policies at the time (including bonus additions and profits accrued), and such claims shall rank with judgments obtained and claims matured on Canadian policies, in the distribution of the assets hereinafter described; and the said assignees may require the Superintendent of Insurance to value, or procure to be valued under his supervision, the policies before mentioned, basing such valuation on the mortality table of the Institute of Actuaries of Great Britain and on a rate of interest at four and one half per centum per annum,—except in the case of bonus additions or other profits accrued or declared before the passing of this Act, and then valued on the basis of a rate of interest other than that above mentioned, which, in any such valuation, shall continue to be valued on such other basis; and the expenses of such valuation at a rate of three cents for each policy or bonus addition so valued shall be retained by the Receiver General from the securities held by him

Upon

Sale of securities on completion of schedule by assignees.

Upon the completion of the schedule to be prepared by the assignees of all judgments against the company upon policies in Canada, and of all claims upon policies matured or outstanding as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such company, and the assets held by the trustees as provided in the seventh section of this Act, or any part of them to be sold or realized in such manner and after such notice and formalities as the court may appoint; and the proceeds thereof, after paying expenses incurred, shall (except so far as they may have been applied, under any Act which may be passed relating to the winding up of insurance companies, to effect a re-insurance in some other company, of the whole of the outstanding policies, in full or in part) be distributed *pro ratâ* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the company; but if any claim matures after the statement of such outstanding policies has been obtained from the company as hereinbefore provided, and before the final order of the court for the distribution of the proceeds above mentioned, or if the said proceeds are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy or any shareholder or director thereof, other than for a share in the distribution of the proceeds above mentioned, or in any distribution of the general property and assets of the company (other than the deposit and assets vested in trustees under this Act) which may be made under "*The Insolvent Act of* 1875."

Distribution of proceeds.

Exception.

Claims maturing afterwards.

If the assets do not cover the claims.

38 V. c. 16.

Proviso: as to policy holders insured on the mutual principle.

Provided always that, in all cases of distribution of the proceeds of the deposit in the hands of the Receiver General and the assets vested in the trustees as provided for in this section, if it appears from the charter, act of incorporation, or articles of association of the company, and from the conditions of the policy, that any Canadian policy-holder claiming a share in such distribution has been insured on the "mutual" principle,—then such policy-holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the company, whether such be holders of Canadian policies or otherwise; but this proviso shall apply in the cases of such companies only as by the laws of the country (if such country be other than Canada) in which such company is chartered, incorporated or associated together, a Canadian policy-holder in such company is entitled to claim a share in the distribution in such country other than Canada, at the same rate as all other holders of policies under the same conditions may be entitled to

Application of foregoing proviso as to Companies incorporated elsewhere than in Canada.

claim

claim in the distribution of the total assets of the company, and to enjoy all the rights and privileges as policy-holders which are enjoyed by the policy-holders who are natives of or naturalized in such country.

Provision for case of Company ceasing business before first renewal of its license, after notice to Minister.

17. In the case of any company at present licensed to transact business of life insurance in Canada, which shall cease to transact such business before the time fixed for the first renewal of its license under this Act, and shall, before that time, give written notice to that effect to the Minister of Finance, the premiums due or to become due on policies actually issued before the aforesaid time, may continue to be collected, and the losses arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted, and the deposit at present in the hands of the Receiver General shall be dealt with, as if this Act had not been passed

Powers and proceedings of Company ceasing business otherwise than as mentioned in s. 17.

18. When any company licensed under this Act desires to discontinue business and to release its assets in Canada, and has given written notice to that effect to the Minister of Finance, it may procure the transfer, with the consent of the policy holders, of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, so far as may be practicable; and the trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender.

List of policy holders to be filed with notice of application for release of securities.

It must also file with the Minister of Finance a list of all Canadian policy-holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered, and it must, at the same time, publish in the *Canada Gazette* a notice that it will apply to Government for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister of Finance on or before the day so named;

Action thereafter of Minister as to disposal of assets or securities.

and after that day, upon the application for release being made, if the Minister of Finance with the concurrence of the Treasury Board is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Receiver General be retained, sufficient in amount to cover the full equitable net surrender value of such policies (including bonus additions and accrued profits) as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company;

Tenders to policy holders.

and the portion retained shall be tendered in the manner hereinafter described to the aforesaid policy-holders *pro ratâ* according to the aforesaid values

values of their respective policies; and on the acceptance of the amount so tendered such policies shall thereby be deemed to be cancelled: but if such tender be refused by any policy-holder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policy-holder shall not be barred from any recourse he may have in either law or equity against the company to compel the fulfilment of its contract under such policy. The surrender-values above mentioned shall be determined by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Receiver General before the latter shall hand over the securities: but nothing herein contained shall hinder any policy-holder from making special arrangements with the company whereby his policy may be continued in force; and, on proof being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies, and this Act shall thereafter not apply in respect of such policy.

Policy holders refusing the tenders.

Surrender values, how determined: s. 16 referred to.

Special arrangements may be made.

19. The tender referred to in the eighteenth section shall be made in the following manner:—

How the tender under s. 18 shall be made.

A list and notice in the form Schedule B to this Act, or to the like effect, shall be published in the *Canada Gazette* for at least thirty days previous to the day named in such notice. The company shall also procure the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister of Finance may determine;

List and notice.

A notice in the form Schedule C to this Act, or to the like effect, shall be sent by mail (postpaid or franked) from the office of the Superintendent of Insurance to each of the policy-holders named in the said list, whose address may be known to the said superintendent. Such notice shall be posted in some post-office in Canada at least thirty days previous to the day named therein, which day must be the same day as that named in the list and notice above mentioned;

Notice to be sent to each policy holder.

Any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same; but the Minister of Finance may, at any time prior to the payment over to the company of the amount so refused, allow any policy-holder to signify his acceptance of such amount,—which acceptance so allowed shall have the same effect as if made on or before the day named in the said notice.

Policy holders not signifying acceptance deemed to have refused.

Statement to be prepared yearly and sent to Minister of Finance.

20. It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of every company incorporated in Canada, and at present licensed or hereafter licensed under this Act, to prepare annually under their own oath, and cause to be deposited in the office of the Minister of Finance on the first day of January or within three months thereafter, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year, which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as may be deemed necessary by the Minister of Finance. Such statements shall be made in the form and manner shown in the Schedule A hereto annexed, subject to alteration by the Minister of Finance as hereinafter provided, and shall be sworn to before some person duly authorized to administer oaths in any legal proceeding in the manner annexed:—

What it must show.

Form of statement.

Form of oath attesting statement.

Province of   County of
President and
Secretary of   Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the   day of   last all the above described assets were the absolute property of the said company, free and clear from any liens, or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure and of the general condition and affairs of the said company, on the said day of   last, and for the year ending on that day, according to the best of their information, knowledge, and belief respectively.

Signatures.

Subscribed and sworn to, before me this   day of   A. D. 18.

Minister may alter form of statement.

The Minister of Finance may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Yearly statements by Companies incorporated elsewhere than in Canada.

21. Companies incorporated elsewhere than within Canada, and at present licensed or hereafter licensed under this Act, shall make annual statements of their condition and affairs under oath of their chief agent, and furnish the same to the Minister of Finance at the same time as Canadian companies—of their Canada business in the same form



form and manner (so far as applicable) as required of Canadian companies—and of their general business, in such form and to such date as they may be required by law to furnish to the government of the country in which their head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business to be furnished in duplicate by the Finance Department. Blank forms.

22. Any violation of either of the two next preceding sections shall subject the company violating the same to a penalty of five hundred dollars for each violation, and of an additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required. If such penalties are not paid the Minister of Finance with the concurrence of the Treasury Board, may order such company's license to be suspended or withdrawn as may be deemed expedient.

Penalty for violation of two next preceding sections.

Withdrawal of license for non-payment of penalty.

23. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum; but if it appears to the Superintendent of Insurance that such reserve falls below that computed on the basis stated in the sixteenth section of this Act, he shall report the same to the Minister of Finance who may thereupon direct the said Superintendent to compute, or procure to be computed under his supervision, the reserve on the basis mentioned in this section, and the amount so computed, if it differs materially from the return made by the Company, may be substituted in the annual statement of assets and liabilities; and in such case, the company shall furnish to the Superintendent of Insurance on application the full particulars of each of its policies necessary for such computation, and shall pay to the said Superintendent an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall hand over to the Receiver General:

How reserve for covering liabilities to Canadian policy holders shall be calculated.

Minister may order re-computation.

Costs.

Any company instead of itself computing or estimating the reserve above mentioned may require the same to be computed by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, on payment of a like amount as is mentioned in the next preceding paragraph:

Company may require computation by Superintendent.

Provided always, that in the case of any bonus additions or other profits on the policies of any company, accrued or declared before the passing of this Act, and which have been heretofore valued on the basis of a rate of interest other than that above mentioned, it shall and may be

Proviso, as to bonus addition or profits on policies.

be lawful for such company to compute or estimate the same, or to have the same computed on such other basis;

And during 10 years as to Companies having heretofore computed the reserve on 5 per cent. interest.

And provided further, that in the case of any company which has heretofore based its computation or estimate of its reserve necessary to cover its liability to policy holders in Canada (other than the reserve to cover the bonus additions or other profits in the last proviso mentioned) on a rate of interest of five per centum per annum, the basis of computation or estimates mentioned in the sixteenth section and in this section, shall not apply until after the expiration of ten years, but it shall be lawful for such company, for ten years next after the passing of this Act, to compute or estimate such reserve, or to have the same computed, at a rate of interest not exceeding five per centum per annum.

Superintendent under 38 V. c. 20, to have like powers and duties under this Act.

24. The Superintendent of Insurance appointed under the Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" shall have the like duties and powers with respect to Companies at present licensed or hereafter licensed under the present Act to transact the business of life insurance, as are prescribed and conferred in the above cited Act with respect to companies licensed to transact the business of fire and inland marine insurance.

Valuation of Canadian policies every five years.

2. Once in every five years, or oftener at the discretion of the Minister of Finance, the Superintendent of Insurance shall himself value or procure to be valued under his supervision, the Canadian policies of all companies licensed under this Act to transact the business of life insurance in Canada, —the basis of such valuation being that stated in the sixteenth section of this Act.

Examination of affairs of a Company out of Canada.

3. The Minister of Finance may, from time to time, instruct the Superintendent of Insurance to visit the head office of any company licensed under this Act and incorporated elsewhere than within Canada, and to examine into the general condition and affairs of such company; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose, in its possession or control, its license shall be withdrawn.

Payments by Companies towards expenses of office of superintendent.

4. Towards defraying the expenses of the office of the Superintendent of Insurance, the companies at present licensed or hereafter licensed under this Act to transact the business of life insurance in Canada shall each annually contribute a sum in proportion to the gross premiums received by each in Canada during the previous year, *pro ratâ* with the companies licensed under the above cited Act, —such sum to be paid upon the issue of the annual license.

25.

25. Except such companies as are licensed under the present Act or the above cited Act, no company shall do any business of insurance in Canada (always excepting companies doing in Canada ocean marine business exclusively) without permission obtained from the Minister of Finance, who, after report made by the Treasury Board and approved by the Governor in Council, shall decide in each case whether such permission shall be granted, and whether a license shall be proper or necessary to be issued, and whether any, and what deposit shall be required to be made with the Receiver General; and shall have power to call for annual statements under oath of such business in such form and manner as he may deem expedient, and may revoke the permission or license granted if he see cause therefor, and may grant to the Superintendent of Insurance the same powers with regard to such company as are conferred on him by the present Act with regard to life insurance companies, and may call upon such company to contribute towards the expenses of the office of the Superintendent of Insurance such sum as he may deem equitable: and any company doing any such business without obtaining such permission or license, or if such permission or license has been revoked, or neglecting or refusing to make the statements called for, and any person delivering any policy of insurance, or collecting any premium on behalf of such company, shall render themselves respectively liable to the penalties stated in the thirteenth and twenty-second sections of this Act.

Except those licensed under this Act or 38 V. c. 20, or doing ocean marine insurance only, no Company shall do business in Canada unless by permission of Minister of Finance.

Penalty for contravention.

26. Unless otherwise provided in the special Act incorporating any insurance company, passed by the Parliament of Canada after the passing of this Act, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same or under the provisions of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.*"

As to duration of charters of Companies incorporated by special Act after the passing of this Act, and not obtaining a license under this Act or 38 V. c. 20.

The special Act incorporating any insurance company passed by the Parliament of Canada before the passing of this Act, and all Acts amending such special Act, shall expire and cease to be in force at the expiration of two years from the passing of this Act, unless within such two years the company thereby incorporated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same, or under the provisions of the said Act passed in the thirty-eighth year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several*

And if so incorporated before the passing of this Act.

38 V. c. 20.

several Acts respecting Insurance, in so far as regards Fire and Inland Marine business."

Period limited by 38 V. c. 20 for annual statements extended.

27. The period prescribed in the twentieth section of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several Acts respecting Insurance in so far as regards Fire and Inland Marine business,*" for the preparation and deposit in the office of the Minister of Finance of the annual statements is hereby extended to the first day of March in each year.

As to Companies within exclusive control of a Provincial Legislature.

28. This Act shall not apply to any company within the exclusive legislative control of any one of the Provinces of Canada, unless such company so desires; and it shall be lawful for any such company to avail itself of the provisions of this Act, and, if it do so avail itself, such company shall then have the power of transacting its business of insurance throughout Canada.

Acts and parts of Acts repealed.

31 V. c. 48.

34 V. c. 9.

37 V. c. 48.

38 V. c. 21.

Part of 38 V. c. 20.

29. From and after the passing of this Act, all provisions hitherto unrepealed of an Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign and intituled "*An Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to amend the Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-seventh year of Her Majesty's reign, and intituled "*An Act to further amend the Act thirty-first Victoria, chapter forty-eight, intituled 'An Act respecting Insurance Companies,'*" and of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act respecting Life Insurance Companies and companies doing any insurance business other than Fire and Inland Marine,*" and the sixth clause of the twenty-third section of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" are hereby repealed; saving nevertheless all licenses which may have been issued thereunder (other than those for the transaction of fire or inland marine insurance) until the thirty-first day of March, one thousand eight hundred and seventy-eight, (at which date they shall expire), and the right of companies so licensed to continue business during the existence of the same; and saving also any act done, or right, or right of action existing, accruing, accrued, or established, or any proceedings commenced, or any offence committed, or any penalty or forfeiture incurred, before the passing of this Act; and saving also the right of any life insurance company which has commenced to make its deposit with the Receiver General to continue the same in the manner in which it has commenced

Saving licenses issued under them, etc.

Rights accrued and penalties incurred.

commenced as described in any of the above mentioned Acts until the amount reaches fifty thousand dollars required by the present Act,—with respect to all which the said Acts shall remain in force.

30. Whereas the Act intituled "*An Act respecting Mutual Insurance Companies*," being chapter fifty-two of the Consolidated Statutes for the late Province of Upper Canada, has, by section seventy-eight of the Act passed by the Legislative Assembly of the Province of Ontario, in the thirty-sixth year of Her Majesty's reign (1873), chapter forty-four, been repealed (saving certain existing rights), and, by the last mentioned Act, provisions have been made respecting mutual fire insurance companies in the Province of Ontario; and whereas, owing to certain provisions in the said Act, chapter fifty-two, it is doubtful whether the same may not be within the legislative jurisdiction of Canada; and whereas it is expedient to repeal the said Act in so far as it may be within such legislative jurisdiction, therefore the said Act, being chapter fifty-two of the Consolidated Statutes for the late Province of Upper Canada, in so far as the same may be within the legislative jurisdiction of Canada, is hereby repealed; but such repeal shall not affect, defeat or invalidate the incorporation of any company already incorporated thereunder, or the rights of such company, or any policy, contract, suit, proceeding or other matter or thing whatsoever, made, entered into, pending, existing or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had taken place.

Recital of doubts as to c. 52 of Con. Stat. U. C. repealed by Act of Ontario.

Repeal of c. 52 confirmed.

Proviso as to rights acquired, etc.

SCHEDULE

A.

DETAILS OF YEARLY STATEMENTS REQUIRED BY SECTION 20.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company. specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the Company.

The

The amount secured by way of loan on real estate. whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate.

The amount of loans secured by bonds or stocks, or other collaterals.

The amount of loans as above on which interest has not been paid within one year previous to such statement, with a schedule thereof.

The amount of loans made in cash to policy-holders on the Company's policies assigned as collaterals.

Premium notes, loans or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon.

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agent's ledger balances.

Other Assets.

Interest due and accrued.

Rents due and accrued.

Due from other Companies for losses or claims on policies of the Company, re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the Company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those reinsured.

Premium obligations in excess of net values of their policies.

Claims

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus or other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the Company.

Income.

Amount of cash premiums received, less re-insurance. Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including reconverted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Net amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans, or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, note assets at date.

Expenditure.

Total amount actually paid for losses and matured endowments.

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash

Cash surrender values, including reconverted additions applied in payment of premiums.

Dividends paid to policy-holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of divi dends to policy-holders.

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials.

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year.

New policies and changes.

Policies terminated, and the manner of termination.

Number and amount of policies in force at date of statement.

Re-insurances.

SCHEDULE

B.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the eighteenth and nineteenth sections of (*here insert the title of this Act*) , directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above Company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said eighteenth section; and the assets so retained are hereby tendered to the

the aforesaid policy-holders *pro ratâ* according to the aforesaid values of their respective policies. A list of such policy-holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D., 18 , shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

List of policy-holders and amounts tendered :

Name.	Address so far as known.	Amount and number of Policies.	Amount tendered.

Dated at Ottawa this day of A.D., 18 .

(Signed)
Minister of Finance, Canada,

(Signed)
Superintendent of Insurance.

SCHEDULE

C.

Office of the Superintendent of Insurance,
Department of Finance,

OTTAWA, 18 .

In the matter of the (*here insert the name of the company.*)

You are hereby notified that the Minister of Finance has, pursuant to the eighteenth section of (*here insert the title of this Act*)

directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said eighteenth section. The assets so retained are tendered to the aforesaid policy-holders *pro ratâ* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of , A.D., 18 , you signify

signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed.)

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount tendered.

CHAP. 43.

An Act to amend the law respecting the Incorporation of Joint Stock Companies by Letters Patent.

[*Assented to* 28*th April*, 1877.]

Preamble. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title. **1.** This Act may be cited as "*The Canada Joint Stock Companies' Act*, 1877."

Interpretation of the words:— **2.** The following expressions in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them respectively, unless there is something in the subject or context repugnant to such construction, that is to say:—

Company. 1. The expression "the Company," means the Company so incorporated by letters patent:

Undertaking. 2. The expression "the undertaking" means the business of every kind which the Company is authorized to carry on:

Loan Company. 3. The expression "Loan Company" means a Company chartered for any of the purposes to which the powers of Loan Companies extend, as hereinafter provided:

Real estate. 4. The expression "real estate," or "land," includes messuages, lands, tenements and hereditaments of any tenure, and all immoveable property of every kind:

Shareholder. 5. The expression "shareholder" means every subscriber to or holder of stock in the Company, and includes the personal representatives of the shareholder:

Manager. 6. The word "Manager" includes the Cashier, and Secretary.

3.

3. The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the Company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways, or the business of banking and the issue of paper money, or insurance.

Companies formed for certain purposes may be incorporated by letters patent.

Exception.

4. The applicants for such letters patent must give at least one month's previous notice in the *Canada Gazette*, of their intention to apply for the same, stating therein,—

Notice to be given in the *Canada Gazette*, and what it shall contain.

1. The proposed corporate name of the Company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise on public grounds objectionable; Name.

2. The purposes within the purview of this Act, for which its incorporation is sought; Purposes.

3. The place within the Dominion of Canada, which is to be its chief place of business; Chief place of business.

4. The intended amount of its capital stock,—which, in the case of a loan Company, shall not be less than one hundred thousand dollars; Capital.

5. The number of shares and amount of each share; Shares.

6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than fifteen of their number, who are to be the first or Provisional Directors of the Company, and the major part of whom must be resident in Canada. Names, etc., of applicants.

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Governor General, through the Secretary of State of Canada, for the issue of such letters patent: Petition for letters patent.

2. Such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the Company: What it shall contain.

3. The aggregate of the stock so taken must be at least the one-half of the total amount of the stock of the Company: A certain amount of stock must be taken.

4. The aggregate so paid in thereon must, if the Company be not a loan Company, be at least ten per cent. thereof: if the Company be a loan Company the aggregate so paid in And a certain amount paid up thereon.

thereon must be at least ten per cent. thereof, and must not be less than one hundred thousand dollars :

Disposal of amount paid up.

5. Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit in some chartered bank or banks in Canada, unless the object of the Company is one requiring that it should own real estate,—in which case any part not more than one-half of such aggregate may be taken as being paid in, if *bonâ fide* invested in real estate suitable to such object, duly held by trustees for the Company, and being of the required value over and above all incumbrances thereon.

Certain provisions may be inserted in patent.

6. The petition may ask for the embodying in the letters patent of any provision which under this Act, might be made by by-law of the Company incorporated; and such provision so embodied shall not, unless provision to the contrary be made in the letters patent, be subject to repeal or alteration by by-law

Preliminary conditions to be established

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by the Governor in Council to report thereon, the sufficiency of their notice and petition, and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated Company; and to that end, the Secretary of State, or such other officer, shall take and keep of record any requisite evidence in writing, by solemn declaration, under the Act thirty-seventh Victoria, (1874), chapter thirty-seven, intituled "*An Act for the Suppression of Voluntary and Extra-Judicial Oaths,*" or by oath or affirmation.

Proof of facts asserted.

Facts to be recited in letters patent.

7. The letters patent shall recite such of the established averments of the notice and petition, as to the Governor may seem expedient.

Governor may give another corporate name.

8. The Governor may, if he think fit, give to the Company a corporate name, different from that proposed by the applicants in their published notice, if the latter is objectionable.

Notice of issuing letters patent.

9. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the Schedule A, appended to this Act; and thereupon, from the date of the letters patent, the persons therein named, and their successors, shall be a body corporate and politic by the name mentioned therein.

General corporate powers of such companies.

10. Subject to the special provisions herein contained respecting loan Companies, every Company so incorporated may acquire, hold, sell and convey any real estate, requisite for the carrying on of the undertaking of such Company,

Company, and shall forthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it were incorporated by a special Act of Parliament, embodying the provisions of this Act and of the letters patent.

11. In case it should be made to appear, to the satisfaction of the Governor in Council, that the name of any Company (whether given by the original or by supplementary letters patent or on amalgamation) incorporated under the provisions of this Act, is the same as the name of an existing incorporated or unincorporated Company, or so similar thereto as to be liable to be confounded therewith, it shall be lawful for the Governor in Council to direct the issue of supplementary letters patent, reciting the former letters and changing the name of the Company to some other name to be set forth in the supplementary letters patent.

Governor may change name by supplementary patent.

12. When a Company incorporated under the provisions of this Act is desirous of adopting another name, the Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent reciting the former letters and changing the name of the Company to some other name, to be set forth in the supplementary letters patent.

Company may obtain change of name.

13. No alteration of its name under the two last preceding sections shall affect the rights or obligations of the Company, and all proceedings may be continued or commenced by or against the Company by its new name that might have been continued or commenced by or against the Company by its former name.

Change not to affect rights or obligations.

14. The Company may, from time to time, by a resolution passed by a vote of at least two-thirds in value of the total shareholders of the Company, at a special general meeting called for the purpose, authorize the Directors to apply for supplementary letters patent extending the powers of the Company to such other purposes or objects, within the purview of this Act, as may be defined in the resolution.

Company may authorize Directors to apply for extention of powers.

15. The Directors may, at any time within six months after the passing of any such resolution, petition the Governor, through the Secretary of State of Canada, for the issue of such supplementary letters patent:

Application by Directors.

2. The applicants for such supplementary letters patent must give at least one month's previous notice in the *Canada Gazette*

Notice in *Gazette.*

Gazette of their intention to apply for the same, stating therein the purposes or objects to which it is desired to extend the powers of the Company.

Proof to be furnished to Secretary of State.

16. Before such supplementary letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State or of such other officer as may be charged by the Governor in Council to report thereon, the due passing of the resolution authorizing the application and the sufficiency of their notice and petition; and to that end the Secretary of State or such other officer, shall take and keep of record any requisite evidence, in writing, by solemn declaration under the Act thirty-seventh Victoria, (1874), chapter thirty-seven, above mentioned, or by oath or affirmation.

37 V. c. 37.

Grant of supplementary patent.

17. Upon due proof so made, the Governor in Council may grant supplementary letters patent under the great seal, extending the powers of the Company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form Schedule C, appended to this Act; and thereupon, from the date of the supplementary letters patent, the undertaking of the Company shall extend to and include the other purposes or objects set out in the supplementary letters patent as fully as if such other purposes or objects were mentioned in the original letters patent.

Notice in *Gazette*.

By-law for increase or decrease of number of Directors.

18. The Company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its Directors, or change the Company's chief place of business in Canada; provided that no by-law for either of the said purposes shall be valid or acted upon unless it be sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or represented by proxy, at a general meeting duly called for considering the by-law, nor until a copy of such by-law, certified under the seal of the Company, has been deposited with the Secretary of State, and has also been published in the *Canada Gazette*.

When to be valid.

Subdivision of shares.

19. The Directors of the Company, other than a loan company, may at any time make a by-law subdividing the existing shares into shares of a smaller amount.

Increase of capital.

20. The Directors of the Company, at any time after the whole capital stock of the Company shall have been taken up and fifty per cent. thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company:

2. Such by-law shall declare the number of the shares of the new stock; and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors. By-law for that purpose.

21. The Directors of the Company, at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable: Provided that the capital stock of a loan Company shall never be decreased to less than one hundred thousand dollars: Reduction of capital. Proviso as to loan companies.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made. By-law for that purpose.

22. But no by-law for increasing or decreasing the capital stock of the Company, or subdividing the shares, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of all the shareholders of the Company, at a general meeting of the Company duly called for considering the same, and afterwards confirmed by supplementary letters patent. Such by-law to be approved by shareholders and confirmed by supplementary letters patent.

2. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the Company, shall remain as though the capital had not been decreased. Liability to creditors not affected.

23. At any time not more than six months after such sanction of such by-law, the Directors may petition the Governor, through the Secretary of State, for the issue of supplementary letters patent to confirm the same: Petition for supplementary letters patent to confirm by-law.

2. With such petition they must produce a copy of such by-law, under the seal of the Company, and signed by the President, Vice-President or Secretary, and establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by the Governor in Council, to report thereon, the due passage and sanction of such by-law, and the *bonâ fide* character and expediency of the increase or decrease of capital or subdivision of shares thereby provided for; By-law, etc., to be produced with petition.

3. And to that end the Secretary of State, or such officer, shall take and keep of record any requisite evidence in writing, by solemn declaration as above mentioned, oath or affirmation. Evidence may be taken and kept by Secretary of State.

24.

Granting of supplementary letters patent;—notice;—effect of such letters patent.

24 Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, in the form of Schedule B, appended to this Act: and thereupon, from the date of the supplementary letters patent, the capital stock of the Company shall be and remain increased or decreased, and the shares shall be subdivided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had been or formed part of the stock of the Company originally subscribed.

Powers given to the company to be subject to this Act.

25. All powers given to the Company by the letters patent or supplementary letters patent shall be exercised, subject to the provisions and restrictions contained in this Act.

Board of Directors.

26. The affairs of the Company shall be managed by a Board of not less than three nor more than fifteen Directors.

Provisional Directors.

27. The persons named as such, in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead.

Qualifications of after Directors.

28. No person shall be elected or appointed as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the Company, and not in arrear in respect of any call thereon; and the major part of the Directors of the Company shall, at all times, be persons resident in Canada.

Residence.

Election of Directors.

29. Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled, at some place within the Dominion of Canada, at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the Company, may prescribe.

Mode and times of Election.

30. In default only of other express provisions in such behalf, by the letters patent or by-laws of the Company,—

Yearly.

1. Such election shall take place yearly,—all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election:

Notice.

2. Notice of the time and place for holding general meetings of the Company shall be given at least twenty-one days previously

previously thereto, in some newspaper published in or as near as may be to the place where the chief office or place of business of the Company is situate:

3. At all general meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him: such votes may be given in person or by proxy,—the holder of any such proxy being himself a shareholder; but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes:

Votes. Proxies. All calls must have been paid. Majority to decide. Casting vote.

4. Elections of Directors shall be by ballot:

Ballot.

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company:

Vacancies, how filled.

6. The Directors shall, from time to time, elect from among themselves a President and, if they see fit, a Vice-President of the Company; and may also name all other officers thereof.

President and Vice-President. Officers.

31. If, at any time, an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected.

Failure to elect Directors, how remedied.

32. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make or cause to be made for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make by-laws not contrary to law, nor to the letters patent of the Company, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers, and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which, and place where the annual meetings of the Company shall be held, the calling of meetings,

Powers and duties of Directors. Stock. Dividend. Directors and officers. Meetings.

ings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same: but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force: Provided always, that one-fourth part in value of the shareholders of the Company shall, at all times, have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect: Provided also, that no by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than what has been previously authorized at a general meeting, or for the payment of the President or any Director shall be valid or acted upon until the same has been confirmed at a general meeting.

Fines. General powers. Confirmation of By-laws. Proviso: Special general meetings. Proviso: Confirmation of by-laws for sale of stock below par, etc.

Evidence of by-laws.

33. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as against any shareholder of the Company as *primâ facie* evidence of such by-law in all courts in Canada.

Stock deemed personal estate.

34. The stock of the Company shall be deemed personal estate, and shall be transmissible as such and shall be transferable, in such manner only, and subject to all such conditions and restrictions as, by this Act or by the letters patent or by-laws of the Company, are or shall be prescribed.

Allotment of stock.

35. If the letters patent, or the supplementary letters patent make no other definite provision, the stock of the Company, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted when and as the Directors, by by-law may ordain.

Reference book to be kept and what to contain.

36 The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded—

Copy of letters patent, by-laws, etc.

1. A copy of the letters patent incorporating the Company, and of any supplementary letters patent, and of all by-laws thereof;

Names of shareholders.

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

3.



3. The address and calling of every such person, while such shareholder; Address.

4. The number of shares of stock held by each shareholder; Number of shares.

5. The amounts paid in and remaining unpaid, respecttively, on the stock of each shareholder; Amounts paid, etc.

6. The names, addresses and calling of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director: Names, etc., of Directors.

7. A book called the Register of Transfers shall be provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company. Register of transfers.

37. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative may make extracts therefrom. Books to be open for inspection and taking extracts therefrom.

38. Every Company neglecting to keep such book or books as aforesaid, shall forfeit its corporate rights. Forfeiture for neglect.

39. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder. Books to be *primâ facie* evidence.

40. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor. Penalty for false entries.

41. No transfer of shares, unless made by sale under execution, or under the decree, order or judgment of some competent court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferrer to the Company and their creditors,—until the entry thereof has been duly made in such book as aforesaid. Transfer of shares valid only after entry.

42. No transfer of shares whereof the whole amount has not been paid in shall be made without the consent of the Directors; and whenever any transfer of shares not fully paid in has been made with such consent, to a Liabilities of Directors as regards transfers of shares in certain cases.

a person being apparently of insufficient means to fully pay up such shares, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; but if any Director present when any such transfer is allowed, do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

How only a Director may avoid liability.

Provision when shares are transmitted otherwise than by transfer.

43. Whenever the interest in any share or shares of the capital stock of the Company shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any such share or shares shall change by any lawful means other than by transfer, according to the provisions of this Act, and the Directors of the Company shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock,—then, and in such case, it shall be lawful for the Company to make and file in one of the Superior Courts of law or equity, in the Province in which the head office of the Company is situated, a declaration and petition in writing, addressed to the justices of the court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Company, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same,—and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such share or shares, or to the attorney of such party duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: Provided also that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Order of court may be obtained on application.

Proviso: Notice of application.

Proviso as to costs

44. No share shall be transferable until all previous calls thereon have been fully paid in. Restriction as to transfer.

45. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company. As to transfer by debtor to Company.

46. Any transfer of the share or other interest of a deceased member, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer. Transfer by personal representative.

47. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, against such shareholder, and any amount so recoverable, being paid by the shareholder, shall be taken as paid on his shares. Liability of shareholders. When to accrue.

48. The shareholders of the Company shall not, as such, be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid on their respective shares in the capital stock thereof, subject to the provisions of the next preceding section. Limited to amount unpaid on stock.

49. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator, or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. Trustees, etc., not personally liable.

50. Every such executor, administrator, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. But entitled to vote.

51.

Company not to be liable in respect of trusts, etc.

51. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Calling in of moneys unpaid on shares.

52. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares, as they shall think fit, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the Company may require or allow.

Interest on calls overdue.

53. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder fails to pay any call due from him, before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per cent. per annum, from the day appointed for payment to the time of actual payment thereof.

Payment in advance on shares.

Interest allowed.

54. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding eight per cent. per annum, as the member paying such sum in advance and the Directors shall agree upon.

Forfeiture of shares for non-payment of calls.

Proviso: Liability of holders continued.

55. If, after such demand or notice as, by the letters patent or by-laws of the Company, may be prescribed, any call made upon any share or shares be not paid within such time as, by such letters patent or by-laws, may be limited in that behalf, the Directors, in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as, by the by-laws of the Company or otherwise, they may ordain; but, notwithstanding such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sums which may have been subsequently received by the Company in respect thereof.

56.



56. The Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon, by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, (stating the number of calls and the amount of each,) whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all courts as *primâ facie* evidence to that effect. Enforcement of payment by calls by action. What only need be alleged and proved and how.

57. Every Director of the Company, and his heirs, executors and administrators and estate and effects respectively may, with the consent of the Company, given at any general meeting thereof, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default. Directors indemnified in suits, etc. against the Company. Except by their own neglect or default.

58. The Company shall not make any dividend whereby their capital will be, in any degree, reduced. Dividends no to impair capital.

59. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise. Debts to Company may be deducted from.

60. The Company shall, at all times, have an office in the city or town in which their chief place of business shall be, which shall be the legal domicile of the Company in Canada; and notice of the situation of that office and of any change therein shall be advertised in the *Canada Gazette*: and they may establish such other offices and agencies elsewhere in the Dominion of Canada, as they may deem expedient. Officers and agencies of the Company in Canada.

61. Any summons, notice, order or other process or document required to be served upon the Company, may be served by leaving the same at the said office in the city or town in which their chief place of business may be, with any grown Service of process on Company.

person

person in the employ of the Company, or on the President or Secretary of the Company, or by leaving the same at the domicile of either of them, or with any grown person of his family or in his employ; or if the Company have no known office or chief place of business, and have no known President or Secretary, then the court may order such publication as it may deem requisite, to be made in the premises; and such publication shall be held to be due service upon the Company.

Use of common seal dispensed with in certain cases.

62. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any Director, manager, or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Service of notices upon members.

63. Notices requiring to be served by the Company upon the members, may be served either personally or by sending them through the post, in registered letters, addressed to the members at their places of abode as appearing on the books of the Company.

Service of notice by post.

64. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the registered letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Acts of Company's attorney valid.

65. Every deed which any person, lawfully empowered in that behalf by the Company as their attorney, signs on behalf of the Company, and seals with his seal, shall be binding on the Company and have the same effect as if it was under the common seal of the Company.

Contracts, etc., when to be binding on Company.

66. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be thereby subjected individually to any liability whatsoever to any

any third party therefor: Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. Proviso: not to issue paper money.

67. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability. Liability of Directors declaring a dividend when Company is insolvent, etc. How Directors may avoid liability.

68. Except only in the case of a loan Company, no loan shall be made by the Company to any shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable for the amount of such loan, with interest, to the Company, and also to the creditors of the Company for all debts of the Company then existing, or contracted between the time of the making of such loan and that of the repayment thereof. No loan by Company to shareholders, except by loan Companies: liability of Directors.

69. The Directors of the Company shall be jointly and severally liable to the clerks, laborers, servants and apprentices thereof, for all debts not exceeding six months wages due for service performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors. Liability of Directors for wages. Limitation of suits, etc.

70. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein. Actions between Company and shareholders.

71.

Mode of incorporation, etc., how to be set forth in legal proceedings.

71. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent—or of letters patent and supplementary letters patent, as the case may be,—under this Act; and the notice in the *Canada Gazette*, of the issue of such letters patent or supplementary letters patent, shall be *primâ facie* proof of all things thereby declared; and on production of the letters patent or supplementary letters patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be presumed; and, save only in any proceeding by *scire facias* or otherwise for direct impeachment thereof, the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

Proof of incorporation.

Forfeiture of charter for non-user.

72. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time,—or if the Company do not go into actual operation within three years after it is granted; and no declaration of such forfeiture by any Act of Parliament shall be deemed an infringement of such charter.

Company subject to future legislation.

73. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient.

Fees on letters patent, etc., to be fixed by Governor in Council.

74. The Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on application for letters patent and supplementary letters patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the object of this Act:

Amount of fees may be varied.

2. Such fees may be made to vary in amount, under any rule or rules,—as to nature of Company, amount of capital, and otherwise,—that may be deemed expedient:

Must be paid before action taken.

3. No step shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this Act, until after the amount of all fees therefor shall have been duly paid.

Winding up Acts to apply.

75. The Company shall be subject to the provisions of any Act for the winding up of Joint Stock Companies, and to the provisions of "*The Insolvent Act of* 1875", and the amendments thereto, relating to incorporated companies.

76.

76. Proof of any matter which may be necessary to be made under this Act may be made by solemn declaration under the Act thirty-seventh Victoria, (1874) chapter thirty-seven, or by affidavit before any Justice of the Peace, or any Commissioner for taking affidavits, to be used in any of the courts in any of the Provinces of the Dominion, or any Notary Public, who are hereby authorized and empowered to administer oaths and receive affidavits and declarations for that purpose.

Proofs may be by declaration or affidavit.

77. The provisions of this Act relating to matters preliminary to the issue of the letters patent or supplementary letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent or supplementary letters patent.

Certain informalities not to invalidate letters patent.

78. The Company shall paint or affix, and shall keep painted or affixed, its name, with the word "limited" after the name, on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, and shall have its name with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the Company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices and receipts of the Company.

Word "limited" to be inserted after name of Company on all notices, etc.

79. If the Company does not paint or affix, and keep painted or affixed, its name, with the word "limited" after it, in manner directed by this Act, it shall be liable to a penalty of twenty dollars for not so painting or affixing its name, and to a penalty of twenty dollars per day for every day during which such name is not so kept painted or affixed; and every director and manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalties; and if any director, manager or officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name, with the said word "limited" after it, is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any bill of exchange, promissory note, endorsement,

Penalty for contravention of preceding section.

Penalty on Directors or officers using or authorizing use of seal without "limited on it.

ment,

ment, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, or receipt of the Company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, he shall be liable to a penalty of two hundred dollars, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Existing Companies may apply for charters under this Act.

80. Any Company for purposes or objects within the purview of this Act, heretofore incorporated, whether under a special or a general Act, and now being a subsisting and valid corporation, may apply for letters patent under this Act, and the Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Canada Gazette*, may direct the issue of letters patent incorporating the shareholders of the said Company as a Company under this Act; and thereupon all the rights or obligations of the former Company shall be transferred to the new Company, and all proceedings may be continued or commenced by or against the new Company that might have been continued or commenced by or against the old Company; and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent the Company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old Company shall remain as at the time of the issue of the letters patent.

Effect of such charters.

Subsisting Companies may apply for charters with extended powers.

81. Where a subsisting Company applies for the issue of letters patent under this Act, the Governor in Council may, by the letters patent, extend the powers of the Company to such other objects within the purview of this Act as the applicants may desire, and as the Governor in Council may think fit to include in the letters patent, and which have been mentioned in the notice of the application for the same, in the *Canada Gazette*, and may, by the said letters patent, name the first Directors of the new Company, and the letters patent may be to the new Company by the name of the old Company or by another name.

Provisions touching supplementary letters patent to apply.

82. All the provisions of this Act touching the obtaining of supplementary letters patent by Companies incorporated hereunder shall, so far as applicable, apply and extend to applications for letters patent under the eightieth and eighty-first sections hereof.

Shares to be paid in cash, except under Sub. Sec. 5 of

83. Subject to the provisions of sub-section five of section five of this Act, every share in the Company shall be deemed and taken to have been issued and to be held subject to the payment

payment of the whole amount thereof in cash, unless the same shall have been otherwise determined by a contract duly made in writing and filed with the Secretary of State at or before the issue of such shares. Sec. 5, or special contract.

84. Every prospectus of the Company, and every notice inviting persons to subscribe for shares in the Company, shall specify the dates and the names of the parties to any contract entered into by the Company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the Directors or the Company or otherwise; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors and officers of Company knowingly issuing the same, as regards any person taking shares in the Company on the faith of such prospectus unless he shall have had notice of such contract. Prospectus, etc., to specify contracts entered into by Company, with promoters, directors, etc., thereof; or be deemed fraudulent.

85. In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders then present in person or represented by proxy, at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company and issue the bonds, debentures or other securities for any sums borrowed, at such prices as may be deemed expedient or necessary; but no such debentures shall be for a less sum than one hundred dollars: and the Directors may, under the like sanction, hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company: Provided always, that the amount to be borrowed shall not at any time be greater than seventy-five per cent. of the actual paid-up stock of the Company; Provided also, that the limitation by this section made shall not be held to apply to commercial paper discounted by the Company. Issue of bonds, etc., by Company. Proviso: Limiting amount to be borrowed. Further Proviso.

86. The Company may have an agency, or agencies, in any city or town in England, Scotland or Ireland. Agencies in United Kingdom.

87. The Directors of every Company shall lay before its shareholders a full and clear printed statement of the affairs and financial position of the Company at or before each general meeting of the Company for the election of Directors. Full statement of affairs at each meeting for elections.

SECTIONS EIGHTY-EIGHT TO ONE HUNDRED AND FOUR, INCLUSIVE, RELATE TO LOAN COMPANIES ONLY.

88. The capital stock of every Loan Company shall be divided into shares of one hundred dollars each. Shares.

89. Any Loan Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods Powers and business of the Company.

Making loans and on what securities.

periods as they may deem expedient, on any real security, or on the public securities of the Dominion, or of any of the Provinces thereof, or on the security of debentures of any municipal or other corporation, issued under or in pursuance of any statutory authority, and upon such terms and conditions as to the Company shall seem satisfactory or expedient; and may acquire, by purchase or otherwise, any security upon which they are authorized to lend or advance money, and may re-sell the same as they may deem advisable,—with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment; and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

Powers incident to such loans, and enforcing payment thereof.

Capital may be employed for such purposes.

Company may act as agents and lend money, and recover the same either on their own behalf or as agents for others.

90. The Company are hereby empowered to act as an agency association, and for the interest and on behalf of others who may entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory, and to purchase and acquire any securities on which they are authorized to advance money, and again to re-sell the same; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their

Powers as such.



their own capital: and they may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment, and for all and every or any of the foregoing purposes, may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto; and moneys of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

And may guarantee repayment if they see fit.

Money of which repayment is guaranteed, to be deemed borrowed.

91. Subject to the conditions and provisions hereinafter made, the Directors may, from time to time, with the consent of the Company in general meeting, borrow money on behalf of the Company, at such rates of interest as may be lawful under section ninety-seven of this Act, and upon such terms as they may, from time to time, think proper; and the Directors may, for that purpose, execute any debentures, mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars or twenty pounds sterling each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions, as the Directors shall deem expedient

Borrowing powers of Company and security to be given by it.

May issue debentures, bonds, etc., for not less than $100 or £20 each.

92. Subject to the conditions and provisions hereinafter made the Directors may, from time to time, with the consent of the Company at a general meeting, receive money on behalf of the Company on deposit for such periods and at such rate of interest as may be agreed upon; and money so received on deposit shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

Company may receive moneys on deposit.

To be deemed borrowed.

93. Provided always,—

Provisions and limitations as to borrowing powers.

1. That the Company shall not borrow money unless at least one hundred thousand dollars of its subscribed capital stock has been paid up;

2. That the Company shall not borrow money unless at least twenty per cent. of its subscribed capital stock has been paid up;

3. That if the Company borrow money by way of deposit, under the ninety-second section, the aggregate amount of

Amount borrowed by deposit limited.

of the sums so borrowed by way of deposit, shall not at any time, whether the Company borrows solely by way of deposit or also in other ways, exceed the aggregate amount of its paid up capital, and of its other cash actually in hand, or deposited by it in any chartered bank or banks in Canada;

If the Company borrows solely on debentures, etc.

4. That if the Company borrow money solely on the debentures or other securities mentioned in the ninety-first section and by guarantee under the ninetieth section, and not by way of deposit, under the ninety-second section, the aggregate amount of the sums so borrowed shall not, at any time, exceed four times the amount of its paid up and unimpaired capital, or the amount of its subscribed capital, at the option of the Company;

If it borrows in both ways.

5. That if the Company borrow money both by way of debentures or other securities or by guarantee, as aforesaid, and also by way of deposit, then the aggregate amount of money so borrowed shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the Company, nor shall it exceed double the amount of the then actually paid up and unimpaired capital of the Company; but the amount of cash then actually in the hands of the Company, or deposited by them in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the Company has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section:

Proviso as to cash in hand.

Proviso as to Companies now incorporated.

6. Provided always, that in the event of any Company, now incorporated, availing itself of the provisions of this Act for the purpose of enlarging its powers to borrow money by debentures, nothing herein contained shall be construed as affecting, or in any wise impairing the right of the holders of debentures issued by the said Company.

Not to purchase stock in other companies.

94. The Company shall not use any of its funds in the purchase of stock in any other incorporated Company.

Power to hold real estate.

95. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of ten thousand dollars in all, or, as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within seven years after it shall have been so

Proviso: as to such estate not held for Company's own use.

so acquired, otherwise it shall revert to the previous owner, or his heirs or assigns.

96. The Company when acting as an agency association may charge such commission to the lender or borrower, or both, upon the moneys invested on their behalf as may be agreed upon, or as may be reasonable in that behalf. Company may charge commission.

97. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawfully taken by individuals, or in the Province of Quebec by incorporated Companies under like circumstances, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company: Provided always, that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan. What interest Company may recover. Proviso as to fines.

98. A register of all securities held by the Company shall be kept; and within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. Register of securities.

99. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered to transact a like business, and any other business in connection with such business, or any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase or acquisition. Company may unite with any other like Company.

100. The Directors of the Company, and of any other such company or society, may enter into a joint agreement under the corporate seals of each of the said corporations, for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the Company of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations, Agreement for such union how made, etc., and what to provide.



corporations, and the after management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the Company.

Must be approved by shareholders of each Company after due notice.

101. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices, addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week, for six successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of Canada, and the said agreement shall, from thenceforth, be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the Company of the assets of such company so selling, as the case may be; and a copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation: Provided, nevertheless, that due proof of the foregoing facts shall be laid before the Governor in Council, and, if deemed expedient by the Governor in Council, letters patent shall be issued and notice thereof duly published by the Secretary of State in the *Canada Gazette*,—after which the new corporation may transact business.

Proceedings at meeting.

And if the agreement be adopted.

Letters patent may issue to the new Company.

Effect of the agreement when perfected.

102. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Business and rights of both Companies

103. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal

personal and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or been contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. vested in new Company. Proviso: saving rights of third parties.

104. The Company shall transmit on or before the first day of March in each year to the Minister of Finance a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of their President or Vice-President and manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom,—distinguishing the classes of securities, and also the extent and value of the lands held by them, under the ninety-fifth section, and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance, and in such form and with such details as the said Minister may from time to time require and prescribe: Provided always that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them. Annual statement to Minister of Finance, and what it must show. Proviso.

105. "*The Canada Joint Stock Companies Letters Patent Act*, 1869," is hereby repealed, in so far as regards the formation or incorporation hereafter, by virtue of any of the provisions thereof, of any Company, the incorporation of which is subject to the control of the Parliament of Canada; but every such Company heretofore incorporated by virtue of that Act or of any of the Acts thereby repealed, shall so remain; and no provision of such Acts shall, as touching any such Company, be in anywise affected by this Act: 32, 33 V., c. 43, repealed. Proviso.

And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Proviso: as to pending

applications under the said Act. the Parliament of Canada,—pending at the time of the passing of this Act, under "*The Canada Joint Stock Companies Letters Patent Act*, 1869," may be proceeded with, and the incorporation may be obtained by virtue thereof, as though this Act had not been passed.

Copies of certain notices to be published by the Company in local paper. **106**. A copy of every notice of issue of letters patent or supplementary letters patent which, under the provisions of this Act, the Secretary of State is required to insert in the *Canada Gazette*, shall forthwith, after such insertion, be, by the Company to which such notice relates, inserted on four several occasions in at least one newspaper in the county, city or place where the head office or chief agency is established.

Corporations authorized to lend money under 37 V. c. 49, to make returns as if incorporated under this Act. **107**. Every corporation or institution incorporated without the limits of Canada, which has been or may be authorized, under the provisions of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-nine, to lend and invest money in Canada, shall, by the agent or manager in Canada, make returns to the Minister of Finance, of all the business done by it in Canada, at the same time and in the same manner as if such corporation or institution had been incorporated under the provisions of this Act.

SCHEDULE A.

Public notice is hereby given, that under *The Canada Joint Stock Companies Act*, 1877, letters patent have been issued under the great seal of the Dominion of Canada, bearing date the day of incorporating [*here state names, address and calling of each corporator named in the letters patent*], for the purpose of [*here state the undertaking of the Company, as set forth in the letters patent*], by the name of [*here state name of the Company, as in the letters patent*], with a total capital stock of dollars, divided into shares of dollars.

Dated at the office of the Secretary of State of Canada, this day of 18

A.B.,
Secretary.

SCHEDULE B.

Public notice is hereby given, that under *The Canada Joint Stock Companies Act*, 1877, supplementary letters patent have been issued under the great seal of the Dominion

Dominion of Canada, bearing date the day of whereby the total capital stock of [*here state the name of the Company*] is increased [*or* decreased, *as the case may be*] from dollars to dollars.

Dated at the office of the Secretary of State of Canada this day of 18

A.B.,
Secretary.

SCHEDULE C.

Public notice is hereby given, that under *The Canada Joint Stock Companies' Act*, 1877, supplementary letters patent have been issued under the great seal of the Dominion of Canada, bearing date the day of , whereby the undertaking of the Company has been extended to include [*here set out the other purposes or objects mentioned in the supplementary letters patent*].

Dated at the office of the Secretary of State of Canada this day of 18

A.B.,
Secretary.

CHAP. 44.

An Act to remove doubts as to the right to vote of shareholders in certain Banks.

[*Assented to 28th April*, 1877.]

WHEREAS doubts have arisen as to the right of shareholders in banks to which the twenty-seventh, twenty-ninth and thirtieth sections of the "*Act relating to Banks and Banking*" apply, to vote as such without having paid all matured calls made by the Directors; and whereas it is expedient that such doubts should be removed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. It is the true intent and meaning of sections twenty-seven, twenty-nine and thirty of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled "*An Act relating to Banks and Banking*," that no shareholder in any bank to which those sections of the said Act apply has any right to vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of such bank, at any meeting of such shareholders, or in any case where the votes of the shareholders of such bank are taken, without having paid all calls made by the Directors which have then become due and payable. Sections 27, 29 and 30 of 34 V., c. 5, interpreted. Calls must be paid before voting.

CHAP.

CHAP. 45.

An Act to amend "The Railway Act, 1868."

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS it is expedient to extend certain provisions of "*The Railway Act*, 1868," to cases affecting Provincial railways: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-sections 15 and 16 of s. 7, to apply to Provincial Railways in certain cases.

1. The fifteenth and sixteenth subsections of the seventh section of "*The Railway Act*, 1868," shall extend and apply to a railway incorporated under an Act of a Provincial Legislature, in any case in which it is proposed that such railway shall cross, intersect, join or unite with, or shall be crossed, intersected, joined by, or united with, a railway under the legislative control of Canada.

CHAP. 46.

An Act to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway to the person or Company constructing a line of Railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the Strait.

[*Assented to 28th April*, 1877.]

Preamble.

Resolution H. C. 19th May, 1874.

WHEREAS, by resolution of the House of Commons, passed on the nineteenth day of May, in the year eighteen hundred and seventy-four, it was resolved: "That "the Government be authorized to negotiate during the Parliamentary recess for the transfer of the railway from "Truro to Pictou to some organized company, on condition "that such company will extend the said railway from New "Glasgow, or Pictou, to the Gut of Canso, or some place in "Cape Breton, within a specified time,—such transfer to be "subject to the approval of Parliament at the next Session;"

Negotiations under it.

And whereas, although negotiations had taken place between the Dominion Government and parties interested in the railway system of Cape Breton, and although the Government of Nova Scotia had obtained legislative authority for the payment of a certain bonus to any company which should construct such line, the Dominion Government had not received any definite offer from any company, or individuals, which could possibly secure the extension of the railway

railway system from the neighborhood of New Glasgow to any place in Cape Breton; and whereas an offer was received from Messrs. E. R. Burpee and Company, representing the Eastern Counties Railway Company, to undertake the construction of a line of railway as far as the Strait of Canso, on condition of the transfer to such company of the Truro and Pictou branch of the Government railways, under the resolution of the House of Commons of the nineteenth May, one thousand eight hundred and seventy-four. And whereas an Order of the Governor in Council was passed on the seventh day of February, eighteen hundred and seventy-six, authorizing notice to be sent to the Government of Nova Scotia that the Dominion Government would be prepared to submit a proposition to Parliament for the transfer of the Truro and Pictou Branch Railway to a company undertaking the construction of a line in extension thereof to the Strait of Canso, and from thence to West Bay, at the head of Bras d'Or Lake, including a steam ferry across the strait,—the other conditions being, that such company should be bound to give running powers over its road, from the Strait of Canso to New Glasgow, to any other company extending a railway eastward to Louisbourg, or any other port, upon terms to be determined by mutual agreement, or in case of non-agreement to be determined by arbitration,—and further, that such company should give such other railway company running powers over the Pictou and Truro branch on certain specified conditions; And whereas the Government of Nova Scotia, apprehending that it would be found difficult to get any company to undertake the extension eastward from New Glasgow, subject to a condition requiring the construction of any portion of railway east of the Strait of Canso, proposed that the transfer of the Pictou Branch should be made on condition of the construction of the said extension eastward to the Strait of Canso only, with a steam ferry across the strait, if the extension further east to a point or points on the Bras d'Or Lake, could not be obtained; And whereas the Dominion Government, in view of the very great importance of the early construction of a railway to the strait at least, modified their previous decision of the seventh February, eighteen hundred and seventy-six, by an Order of the Governor in Council of the fifteenth March, eighteen hundred and seventy-six, so as to authorize the transfer of the Pictou branch to any company which should construct a line of railway from New Glasgow to the Strait of Canso, and maintain a steam ferry across the strait, if it should be found impossible to make arrangements for extension further east, the absolute condition that the line should be carried from the Strait of Canso to West Bay on Bras d'Or Lake being withdrawn, but the other part of the arrangement for giving running powers to any company so extending the railway eastward in Cape Breton being retained; And whereas the Government of Nova Scotia, having been

Offer of E. R. Burpee & Co.

Order in Council 7th Feby., 1876.

Notice to Government of Nova Scotia.

Proposed conditions of transfer.

Action of N. S. Government.

Modification of conditions.

Order in Council 15th March, 1876.

notified

Tenders called for by Government of N.S.

notified of the facts aforesaid, called for tenders for the construction of a railway from New Glasgow to the Strait of Canso, (a distance of seventy-five miles,) with a steam ferry across the Strait, and thence to a point on the Bras d'Or Lake, not exceeding thirty-five miles in length, it being left optional, however, to parties to tender either for the whole of the said work, or only for the section from New Glasgow to Canso, but, in either case, to include the ferry; And whereas the Government of the Dominion was advised by the Nova Scotia Government that they had accepted the tender of Mr. H. Abbott, representing the Halifax and Cape Breton Railway and Coal Company (a company incorporated under an Act of the Legislature of the Province of Nova Scotia,) for the construction of that section only of the railway from New Glasgow to the Strait of Canso, with a steam ferry across the strait, on condition of receiving a subsidy of the sum of seven thousand nine hundred and forty-five dollars per mile, in addition to other subventions mentioned in the advertisement,—one of which is the transfer as a bonus of the Truro and Pictou branch to the said company, and that the said company required, as a condition of entering into the contract, immediate possession of the Truro and Pictou branch, with a view of availing themselves of its possession to secure the means for proceeding with the extension, and that the said company had made certain proposals which were ultimately embodied in a Minute of Council of the Government of Nova Scotia of the eighth of September last (one thousand eight hunedrd and seventy-six), with a view of obtaining possession of the said Truro and Pictou branch on the first of May, eighteen hundred and seventy-seven; And whereas, after having carefully considered the whole matter, the Government of the Dominion, by an Order of the Governor in Council made on the ninth of November, eighteen hundred and seventy-six, on the report of the Minister of Public Works, modified the terms of the Orders in Council of the seventh of February and fifteenth of March, eighteen hundred and seventy-six, by withdrawing the condition in respect of the grant of running powers to any company extending the line easterly, the whole subject to the approval of Parliament; And whereas it is expedient to approve and give effect to the agreements and arrangements aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Tender of H. Abbott for Halifax and Cape Breton Railway and Coal Co., accepted by N.S.

Conditions.

Subsidy, &c.

Condition for possession of Truro and Pictou Branch.

Order in Council 9th Nov., 1876, on report of M. of Public Works.

Absolute transfer of Railway on certain conditions.

1. The Pictou and Truro Branch Railway including sufficient land for the purposes thereof, and the stations and buildings thereon necessary for the use of the railway, but without any of the rolling stock, shall be transferred absolutely to the person or company constructing the line from New Glasgow to the Strait of Canso, and providing



a proper steam ferry across the strait, as soon as such railway is constructed, with proper rolling stock and other appurtenances, and such ferry provided to the satisfaction of the Minister of Public Works.

2. Temporary possession of the said branch railway shall be given to the person or company with whom the Nova Scotia Government shall have contracted for the construction of the eastern extension from New Glasgow to the Strait of Canso, and the establishment of the said steam ferry, as soon as such person or company shall have expended a sum of not less than four hundred thousand dollars upon such work to the satisfaction of the Minister of Public Works; subject to the resumption of the said branch line at any time by the Dominion Government, in case the contractor does not, in the opinion of the Minister of Public Works, keep the said branch railway and its appurtenances in as good repair as it shall be at the time of the delivery of possession; or, in case the construction of the proposed railway is not, in the opinion of the Minister of Public Works, prosecuted by such contractor with due diligence; or, in case the contractor fails, in the opinion of the Minister of Public Works, to provide the requisite rolling stock, or to work the branch line efficiently: and, on the further consideration that, in case of such resumption, the contractor shall, forthwith, restore the possession of the said branch railway and its appurtenances in as good repair as they were at the time of the delivery of possession, and shall, forthwith, pay to Her Majesty, for the public uses of Canada, the amount of the net earnings of the branch line during such temporary possession,—for which payment, and for the faithful performance of all the conditions aforesaid of such temporary possession, and the payment of all damages resulting from any failure to perform the same or any of them, the contractor, before the delivery of such temporary possession, shall give security to the satisfaction of the Minister of Public Works.

Temporary possession on certain conditions.

Resumption in case of failure to perform conditions.

Repayment of earnings in such case.

Security to be given.

3. The arrangement for the absolute transfer of the said Pictou and Truro Branch to the contractor shall be terminable and possession thereof may be forthwith resumed by the Dominion Government, in case, in the opinion of the Minister of Public Works, the contractor fails to execute the contract with the Government of Nova Scotia, or to fulfil the conditions of the temporary possession of the said branch railway.

Arrangement for absolute transfer to be void on such failure.

4. This Act may be cited as "*The Truro and Pictou Railway Transfer Act*, 1877."

Short title.

CHAP.

CHAP. 47.

An Act respecting the claim of the Dominion on the Northern Railway Company of Canada.

[*Assented to* 28*th April*, 1877.]

Preamble. 40 V., c. 57.

WITH reference to the Act passed in the present session, intituled "*An Act respecting the Northern Railway Company of Canada*," and the Acts respecting the lien of the Dominion on the said Railway; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ranking of second preference bonds held by Government, £50,000 stg.

1. The sum of fifty thousand pounds, sterling, of second preference bonds of the Northern Railway Company of Canada, hereinafter called "the Company," now held by the Government of Canada, and being part of a certain sum of two hundred and eighty-three thousand pounds, sterling, of second preference bonds issued by the Company, shall hold equal rank and priority with other bonds of the same character, in the arrangement authorized by the Act of the present Session cited in the preamble of this Act: and the sum of fifty thousand pounds, sterling, of third preference bonds of the Company, now held by the Government of Canada, and being part of a certain sum of one hundred thousand pounds, sterling, of third preference bonds issued by the Company, together with the interest thereon, shall be extinguished on the following conditions:—

£50,000 stg. of third preference and interest may be extinguished on certain conditions.

First condition.

1st. That the Company shall, within one year from the first day of May, one thousand eight hundred and seventy-seven, pay to the Receiver-General of Canada the sum of forty-five thousand pounds sterling, in cash, with interest from the said day, at the rate of five per centum, per annum;

Second condition.

2nd. That the Company shall, within the same period, pay to the Receiver-General, the sum of twenty-seven thousand four hundred and fifty-eight dollars and eighty-seven cents, in satisfaction of the sums improperly applied by the Company out of the moneys payable to the Government of Canada, and shall also assign to Her Majesty for the public uses of the Dominion, the mortgage now held by the Company on the Couchiching hotel for moneys advanced thereon, with the principal sum secured by the said mortgage, and all interest thereon.

Application of moneys received.

2. All moneys received or recovered for the use of the Dominion, under this Act, shall form part of the Consolidated Revenue Fund of Canada.

CHAP.

CHAP. 48.

An Act to amend the Act thirty-seventh Victoria, chapter fifty, respecting Permanent Building Societies in Ontario.

[*Assented to 28th April*, 1877.]

Preamble. 37 V., c. 50.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may authorize change of name.

1. Where any such Society as mentioned in the said Act, thirty-seventh Victoria, chapter fifty, is desirous of changing its name, the Governor General, upon being satisfied that the change desired is not for any improper purpose and is not otherwise objectionable, may, by order in Council, change the name of the Society to some other name set forth in the said order.

Notice to be given. Power of Governor.

2. The Society shall give at least four weeks' previous notice in the *Canada Gazette* of the intention to apply for the change of name, and shall state the name proposed to be adopted; in case the proposed name be considered objectionable the Governor in Council may, if he think fit, change the name of the Society to some other unobjectionable name without requiring any further notice to be given.

How such change of name shall be proved. Clerk of the peace to endorse certificate on declaration. Fee. Penalty for not filing declaration.

3. Such change shall be conclusively established by the insertion in the *Canada Gazette* of a notice thereof by the Secretary of State; and his certificate of such change having been made shall be obtained by the Society, and filed in the office of the Clerk of the Peace of the county with whom is filed the declaration constituting such Society; the clerk shall, upon payment by the Society of a fee of one dollar therefor, endorse a copy of such certificate upon the said declaration: and the Society shall (under a penalty of two hundred dollars in case of default) within one month after the insertion of the said notice cause the said certificate to be filed, and require the said endorsement to be made as aforesaid.

Change of name not to affect rights.

4. No alteration of its name under this Act shall affect the rights or obligations of any such Society, and all proceedings may be continued or commenced by or against any such Society by its new name that might have been continued or commenced by or against it by its former name.

Fees for change of name.

5. The Governor in Council may establish the fees to be paid on applications for change of name under this Act.

CHAP. 49.

An Act to amend the "*Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario.*"

[*Assented to 28th April*, 1877.]

Preamble.
37 V., c. 50.

WHEREAS by section six of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter fifty, as applied by section twelve of the said Act, it is in effect amongst other things enacted, that it shall be lawful for any Permanent Building Society carrying on business in the Province of Ontario and having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, to receive deposits, and also for the Board of Directors of any such Society to issue debentures of such Society; provided always, among other conditions, that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not, at any time, exceed the amount of capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized stock; And whereas it is expedient that such limitation should be enlarged and that Societies having a fixed and permanent paid-up capital, not liable to be withdrawn, of one hundred thousand dollars should be invested with the powers conferred by section six of the said Act; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Society having $100,000 paid-up, may exercise power under s. 6.

1. Notwithstanding anything in the twelfth section of the said Act contained, any Society having a fixed and permanent paid-up capital of one hundred thousand dollars, not liable to be withdrawn, may exercise the powers by the sixth section of the said Act conferred, and the term "such Society" in the said Act and in this Act shall be held to include any such Society as in this section first mentioned.

Amount of debenture and deposit debts of Societies limited.

Proviso: as to deposits.

2. The aggregate amount of money deposits in the hands of any such Society, together with the amount of its debentures issued and remaining unpaid may be equal to but shall not at any time exceed double the amount of the unimpaired, capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom: Provided always, that the amount held by any Society on deposit shall not exceed the amount of the paid-up and unimpaired capital of such Society, and that the total liabilities of any such Society shall not at any time exceed the amount of principal remaining unpaid on the

mortgages

mortgages at such time held by such Society; and that in estimating the liabilities of any such Society the amount of cash actually in the hands of such Society, or deposited to its credit in any chartered bank, shall be deducted therefrom; and that in estimating the unimpaired, capitalized, fixed and permanent stock of any such Society the amount of all loans or advances made by it to its shareholders upon the security of their stock shall be deducted therefrom: **How liabilities shall be estimated.**

Provided always, that in the event of any Company now incorporated availing itself of the provisions of this Act for the purpose of enlarging its powers to borrow money by debentures, nothing herein contained shall be construed as affecting, or in any wise impairing the right of the holders of debentures issued by the said Company. **Proviso: as to companies now incorporated.**

3. The nineteenth section of the said Act is hereby amended by adding thereto, immediately after the word "instalments" therein, the figure and words following, that is to say:— **Section 19 of Act 37 V., c. 50, amended.**

"8th. The rate or rates of interest at which the mortgages held by the society have been computed or discounted to ascertain the amount of the principal remaining unpaid thereon." **As to mortgages.**

4. The word "Society" in this Act shall also include and mean "Company." **"Society" what to mean.**

CHAP. 50.

An Act to make further provision respecting the constituting and management of Building Societies in the Province of Quebec.

[*Assented to 28th April*, 1877.]

WHEREAS it is expedient to make further provisions respecting the constituting and management of Building Societies in the Province of Quebec: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than thirty, who shall present a petition to that effect, constituting such persons and others who may become shareholders in the Society by the said letters patent created, a body corporate and politic, the object of which shall be to provide **Societies may be incorporated by letters patent**

provide for its members means of investing their savings, to assist them in acquiring immovable property, or in freeing and improving that which they already possess; and to offer to borrowers on the security of immovable property, and of public and other securities, easy terms of loan and repayment; and no Building Society shall be established in the said Province without such letters patent.

Notice to be given and what it must show.

2. The applicants for such letters patent must give at least one month's previous notice in the *Canada Gazette* of their intention to apply for such charter, stating therein,—

1. The proposed corporate name of the Society;

2. The place or places in the Province of Quebec where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business;

3. The intended amount of its capital stock, which shall in no case be less than two hundred and fifty thousand dollars;

4. The number of shares and amount of each share;

5. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than five nor more than nine of their number, who are to be the first Directors of the Society.

Petition for letters patent and what it shall contain.

3. At any time, not more than one month after the last publication of such notice, the applicants may petition the Governor General, through the Secretary of State of Canada, for the issue of such letters patent:

Such petition must recite the facts set forth in the notice, and must further state the amount of stock subscribed for and the names of the subscribers, and also the amount paid in upon the stock of each subscriber;

The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Society, and such capital stock shall amount to at least two hundred and fifty thousand dollars:

The aggregate so paid in thereon must be at least twenty per cent. for permanent shares and five per cent. for temporary shares:

Such aggregate must have been paid in to the credit of the Society, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in the said Province:

The

The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

4. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor in Council to report thereon, the sufficiency of their notice and petition, the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated Society; and to that end, the Secretary of State, or such other officer, may take and keep of record any requisite evidence in writing, by solemn declaration under the Act thirty-seventh Victoria, (1874,) chapter thirty-seven, intituled "*An Act for the Suppression of Voluntary and Extra-Judicial Oaths,*" or by oath or affirmation, and may receive and administer every requisite solemn declaration, oath or affirmation. Preliminary conditions to be established. Proof. 37 V., c. 37.

5. The letters patent shall recite all the material averments of the notice and petition. What to be recited.

6. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the Schedule A appended to this Act; and thereupon, from the date of the letters patent, the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein. Notice of granting letters patent

7. It shall be the duty of the Directors to declare and pay half-yearly dividends to the permanent shareholders, of such part of the profits of the Society as they shall deem expedient; but no dividend or bonus shall be declared or paid out of the capital stock of the Society, nor shall any dividend exceeding eight per cent. per annum be paid until the Society has a reserve fund equal to at least twenty per cent. on the paid-up permanent capital stock,—all bad and doubtful debts having, previous to the calculation of such reserve fund, been first deducted. Dividends. Not to impair capital. Rate limited.

8. The capital stock of the Society may be increased from time to time by resolution of the Directors, who may impose such restrictions and conditions respecting the subscription of such new permanent or temporary shares as they may deem expedient,—such resolution, however, to be approved by the shareholders at a general meeting called for the purpose, and to remain inoperative until so approved. Increase of capital stock.

9. The Directors of the Society shall exercise all the powers, privileges and authority which are vested in them by Powers of Directors.

by this Act and any other Act regulating such Society, subject to the rules or by-laws of such Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such Society; and the Directors may lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted at a general meeting of such Society. The Directors may use and affix, or may cause to be used and affixed, the seal of such Society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such Society, for the time being, in such manner as they shall deem most advantageous, expedient and conducive to the benefit of such Society; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be, at any time, granted to such Society by the Parliament of Canada.

Affixing seal, &c.

Calls.

Payments and advances Contracts.

Administering property.

Further powers.

By-laws.

2. The Directors of any such Society may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such Society, and for the investment or application of its funds: Provided that such action of the Directors shall not have binding force until confirmed at any general meeting of the shareholders of such Society upon a vote of two-thirds of the capital stock represented at such meeting,—notice being given of the proposed changes in the notice calling such a meeting.

Proviso:

Conversion of shares may be suspended.

3. The Directors may also, by by-law, when they deem it expedient to do so, either suspend for a limited time or until further notice, the right of converting accumulated temporary shares into permanent shares, or may permit such conversion, or make it compulsory upon all the shareholders, on such conditions as they may determine: Provided always, that such by-law shall not have force and effect until it has been confirmed in the manner hereinbefore provided.

Proviso.

Society may lend money.

10. Any such Society may lend money to any person or persons or body corporate, without requiring any of such borrowers to become subscribers to the stock or members of the said Society: Provided always, that all borrowers from any such

Proviso.

such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules.

2. The Society may purchase hypothecs on immovable property, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, and they may re-sell any such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate upon any of the above-mentioned securities, at such rates of discount or interest as may be agreed upon.

May purchase hypothecs and make investments.

3. The principal money so advanced on hypothecs may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the deed of hypothec or of transfer of hypothec to be made of such immovable property.

Sinking fund

4. The Society may also make loans to its members and others on the security of immovable property sold to the Society, with right of redemption on such conditions as may be agreed upon.

Sales with right of redemption.

11. The Society may hold such immovable property as may be necessary for the transaction of their business, not exceeding in yearly value the sum of ten thousand dollars in all, or as, being hypothecated to them, may be acquired by them for the protection of their investments, and may from time to time, sell, hypothecate, lease or otherwise dispose of the same: Provided always, that it shall be incumbent upon the Society to sell any immovable property acquired in satisfaction of any debt within seven years after it shall have fallen to them.

Society may hold real property for its own use; and may acquire such when hypothecated to it

Proviso, for sale in such cases.

12. It shall be lawful for any such Society to receive money on deposit, and also for the Board of Directors of any such Society to issue debentures of such Society for such sums not being less than one hundred dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof, or to assign, transfer or deposit, by way of pledge or otherwise, for the sums so borrowed, any of the securities or property of the Society, and either with or without power of sale or other special provisions, as the Directors shall deem expedient; and the Society may receive money on deposit, for such periods and at such rate of interest as may be agreed upon, and money so received on deposit shall, for the purposes of this Act, be deemed to be money borrowed by the Society.

Society may receive deposits and issue debentures.

And pay interest on deposits.

2.

Form of debentures. 2. The debentures of such Society may be in the form of Schedule B to this Act, or to the like effect.

From whom deposits may be received. 3. And it shall be lawful for the Society to receive deposits from any person or persons whomsoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit in the Society be not, by the existing laws of the Province of Quebec, authorized to do so, then the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Proviso.

Officers to give security. 4. Every officer or other person appointed to any office under the Society, in any wise concerning the receipt of money, shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Society; and any person entrusted with the performance of any other service, may be required by the Directors to furnish similar security:

Provisions as to borrowing money by the society. **13.** Provided always,—

1. That the Society shall not borrow money unless at least one hundred thousand dollars of its subscribed capital stock has been paid up;

20 per cent. paid up. 2. That the Society shall not borrow money unless at least twenty per cent. of its subscribed capital stock has been paid up;

Amount on debentures limited. 3. That if the Society borrow money solely on debentures or other securities, the aggregate amount of the sums so borrowed shall not at any time exceed four times the amount of its paid up and unimpaired capital, or the nominal amount of its subscribed capital, at the option of the Society;

Amount on deposit. 4. That if the Society borrow by way of deposit, the aggregate amount of the sums so borrowed shall not at any time exceed the aggregate amount of its paid up capital and of its cash actually in hand, or deposited by the Society in any chartered bank or banks in Canada;

If they borrow in both ways. 5. That if the Society borrow money both by way of debentures or other securities, or by guarantee, as aforesaid, and also by way of deposit, then the aggregate amount of money

money deposits in the hands of the Society, together with the amount of debentures and other securities issued by it, as aforesaid, shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the Society, nor shall it exceed the then actually paid up and unimpaired capital of the Society by more than one-third of such capital; but the amount of cash then actually in the hands of the Society, or deposited by them in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the Society has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section;

Calculation of liabilities.

6. That no Building Society shall have power to receive money on deposit, or issue debentures, unless upon the responsibility of its permanent capital stock, and that no accumulating shares, or shares liable to be withdrawn therefrom, shall authorize any such Society to receive deposits or issue debentures to any amount whatever.

Borrowing to be on permanent stock only.

14. No shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by such Society, or held to the payment thereof, beyond the sum not paid up on his shares in the capital of such Society.

Liability of shareholders limited.

15. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable or in the hands of any such Society may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall, from time to time, be sufficient discharge to the Society for any payment made in respect of such share or shares or moneys, notwithstanding any trust to which the same may be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt.

Society not bound to see to trusts.

16. It shall be lawful for the Society to unite, amalgamate and consolidate its stock, property, business and franchises with those of any other society incorporated or chartered to transact a like business, and any other business in connection with such business, or any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase or acquisition.

Provisions for amalgamation of two Societies.

17. The Directors of the Society, and of any other such company or society, may enter into a joint agreement under the

Joint agreement between directors of



societies proposing to amalgamate or consolidate their stock, &c.

the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition, by the Society, of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations, and the after management and working thereof,—or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the Society.

To be submitted to stockholders of each society for consideration.

18. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week, for six successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement, by the secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of Canada, and the said agreement shall thenceforth be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the Society, of the assets of such company so selling, as the case may be, and a copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation: Provided, nevertheless, that due proof of the foregoing facts shall be laid before the Governor in Council, and, if deemed expedient by the Governor in Council, letters patent shall be issued, and notice thereof duly published by the Secretary of State in the *Canada Gazette*, after which the new corporation may transact business.

Votes on it by ballot.

Agreement, if adopted, to be filed with Secretary of State.

Proviso. as to proof.

19. Upon the making and perfecting of the said agreemont and act of consolidation, as provided in the next preceding section, the several societies, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Upon completion of consolidation the new corporation to possess rights, powers, &c., of each of united societies.

20. Upon the consummation of such act of consolidation as aforesaid, all and singular, the business, property, movable and immovable, and all rights and incidents appurtenant thereto, all stock, hypothecs or other securities, subscriptions and other debts, due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken or deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or been contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist; or the new corporation may be substituted in such action or proceeding in the place thereof.

All property and rights vested in new corporation without further act or deed.

Proviso.

Proviso.

21. The choice and removal of the Auditors of the Society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Society, and the auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place; and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them respectively.

Auditors and directors, their appointment, remuneration, &c.

22. Such Society shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require—

Annual statement of assets and liabilities to be transmitted to Minister of Finance.

1st. The amount of stock subscribed;

What to contain.

2nd. The amount paid in upon such stock;

3rd.



3rd. The amount borrowed for the purposes of investments and the securities given therefor;

4th. The amount invested and secured by hypothecs;

5th. The value of immovable property under hypothec;

6th. The amount of hypothecs overdue and in default;

7th. The amount of hypothecs payable by instalments;

8th. The amount held as deposits:

Statement to be attested on oath, and may be published.

And such statement shall be attested by the oath, before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager or Auditor of such Society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular; that the property under mortgage has been set down at its true value, to the best of his knowledge and belief, and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good: and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, such Society shall incur a penalty of one hundred dollars *per diem;* and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that such Society is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of such Society to have ceased: and if the Minister of Finance shall, in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of such Society, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such Society is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of such Society to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of such Society to have ceased, he may before so doing give notice to such Society, and afford the same an opportunity of making any explanation it may be advisable to make; and all expense attending such periodical statements, and the publication thereof, shall be borne by such Society.

Penalty for non-transmission.

Proceedings by Minister of Finance in case of insolvency or suspected insolvency of a society.

23.

23. Subsection one of the first section of chapter sixty-nine of the Consolidated Statutes for Lower Canada, intituled "*An Act respecting Building Societies*," is hereby repealed, together with all other provisions of the said Act which are incompatible with this Act. **Sub-section of s. 1, C. S L. C., c. 69 repealed.**

24. This Act shall apply as well to societies now existing as to societies hereafter incorporated in the manner hereinbefore provided; but it shall not be so construed as to prevent existing societies not having the capital required by this Act to continue their business and operations: Provided however, that any such Society that has not already borrowed money either on deposit or debentures, or both, or otherwise, shall not be allowed to do so until its permanent capital is raised to the amount required by this Act, and in accordance with the provisions thereof, and that any such Society that has borrowed money already shall not, from and after the passing of this Act, issue any more debentures, and shall not, from and after the first day of July, one thousand eight hundred and seventy-eight, if it is a Society existing in a city or in an incorporated town, and from and after the first day of July, one thousand eight hundred and seventy-nine if it is a Society existing elsewhere than in a city or incorporated town, borrow or receive money on deposit or otherwise, unless its permanent capital be raised to the amount required by this Act, and according to the provisions thereof. **How this Act shall be interpreted. As to existing societies Proviso, as to borrowing powers. And after 1st July, 1878.**

SCHEDULE A.

Public notice is hereby given, that under the Act of the Parliament of Canada Victoria, chapter , (1877,) respecting Building Societies, letters patent have been issued under the Great Seal of the Dominion of Canada, bearing date the day of incorporating (*here state names, address and calling of each corporator named in the letters patent*) as a Building Society, by the name of (*here state the name of the Society, as in the letters patent*), with a total capital stock of dollars, (*state here whether the stock is permanent or temporary, or how much thereof is permanent and how much temporary, as the case may be*), divided into shares of dollars each.

Dated at the office of the Secretary of State of Canada, this day of

A. B.
Secretary.

SCHEDULE



SCHEDULE B.

Society.

Debenture No Transferable $

Under the authority of an Act of the Parliament of Canada Victoria, Chapter

The President and Directors of the Society promise to pay to or bearer the sum of dollars, on the day of , in the year of Our Lord one thousand eight hundred and at the Treasurer's office here, with interest at the rate of per cent. per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed, say on the day of , and the day of in each year at the office of the Treasurer here (*or* their agents in).

Dated at , the day of , 18 .

For the President and Directors of the Society.

C. D. A. B.

Secretary.

COUPON.

No. 1. $

Half-yearly dividend due of 18 , on Debenture No. issued by this Society on the day of 18 , for $ at per cent. per annum, payable at the office of the Treasurer, at (*or* at the Society's agents).

For the President and Directors.

C. D., A. B.

Secretary.

CHAP. 51.

An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec, and "The Pilotage Act, 1873."

[*Assented to* 28*th April*, 1877.]

Preamble.

WHEREAS it is expedient to make further and better provision for the management and improvement of the Harbour of Quebec, and to amend certain parts of the Acts now in force respecting the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. The third section of the Act of the legislature of the late Province of Canada, passed in the twenty-fifth year of Her Majesty's reign, and intituled—"*An Act to amend the Act to provide for the Improvement and Management of the Harbour of Quebec,*" is hereby amended by striking out the following words: "parts beyond the seas," and substituting therefor the words "parts outside of the Dominion of Canada" Section 3 of the Act of the Province of Canada 25 V. c. 46 amended.

2. So much of the eighteenth section of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act further to amend the Acts to provide for the Management and Improvement of the Harbour of Quebec,*" as is in the following words,— Part of sect. 18 of 36 V. c. 62 repealed.

"On tow-boats and steamers of twelve tons and under plying in the Harbour and Port of Quebec, for the season, ten dollars each;

"On tow-boats and steamers over twelve tons, plying in or to the Harbour of Quebec, for the season, fifteen dollars each;" is hereby repealed, and the following substituted therefor,— New provision made.

"On all towboats and steamers of twenty-five tons register or under, plying in or to the Harbour of Quebec, for the season, fifteen dollars each; and on all such tow-boats and steamers over twenty-five tons register an additional ten cents over and above the said fifteen dollars, for each additional ton register over the said twenty-five tons." And so much of the said section of the said Act as is in the following words,—"On all goods, wares and merchandise of any kind whatsoever, including timber, lumber and wood goods of every kind, imported into or exported from the Port of Quebec by sea, to or from any place out of the Province of Quebec, at a rate of one-tenth of one per cent. on the invoice value thereof;" is hereby repealed and the following substituted therefor,— Part of the section imposing dues repealed and others substituted.

"On all goods, wares and merchandise, including timber, lumber, and wood goods of every kind imported into or exported from the Port of Quebec by sea, to or from any place out of the Province of Quebec, and on all such goods, wares, and merchandise, imported into or exported from the said Port of Quebec, to or from the United States, or by transit from any other country through the United States, whether by sea or otherwise at a rate of one-tenth of one per cent. on the invoice value thereof." New rates on goods.

3. The nineteenth section of the last-mentioned Act is hereby repealed. Section 19 repealed.

4.

Duty of master of a vessel arriving at Quebec.

4. The master or person in charge of any vessel arriving in the Port of Quebec and discharging cargo thereat, from any port within the Dominion of Canada, the Province of Newfoundland or the United States, shall be bound, within forty-eight hours after the arrival of such vessel in the Harbour of Quebec, to furnish the secretary of the said corporation with a true statement of the cargo of his said vessel; and he shall, within the said forty-eight hours, pay the rates or tolls due on such vessel to the Quebec Harbour Commissioners, through their secretary-treasurer; and in default of such master or person in charge of any such vessel so doing, he shall be liable to a penalty not exceeding fifty dollars, or to imprisonment not exceeding one month.

Statement of cargo.

Paying duties.

Penalty for default.

Power to impose penalties or imprisonment.

5. The Quebec Harbour Commissioners shall have power, by any by-law to be hereafter made by them, and approved by the Governor in Council, to impose penalties not exceeding one hundred dollars currency, or sixty days' imprisonment, upon persons infringing or contravening the provisions of any by-law passed or to be passed by the said Quebec Harbour Commissioners; such fine or imprisonment to be sued for and recovered or enforced before a Judge of the Sessions of the Peace or two Justices of the Peace.

How recoverable.

6. All penalties, except as hereinbefore provided, incurred under the Acts to provide for the management and improvement of the Harbour of Quebec, and "*The Pilotage Act, 1873,*" or under any Act or Acts amending the same, shall, within the limits of the pilotage authority of Quebec, be sued for and recovered before the Quebec Harbour Commissioners, in the same manner as penalties were heretofore recovered and suits brought before the late Trinity House of Quebec.

Power to substitute fine for suspension of a pilot.

7. In all cases where the Harbour Commissioners of Quebec have power to dismiss or suspend a branch pilot for and below the Harbour of Quebec, they shall, instead of such punishment, have the right to fine such pilot in a sum not exceeding one hundred dollars, if they deem it advisable to do so in lieu of dismissing or suspending him.

CHAP.

CHAP. 52.

An Act to authorize the town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbour in the said town.

[*Assented to* 28*th April,* 1877.]

WHEREAS the Corporation of the town of Kincardine have, in addition to the sum of twenty-four thousand dollars granted to the said Corporation by the Governor in Council, expended the sum of forty thousand dollars and upwards, being receipts from all sources, in improving the harbour at the said town of Kincardine and the navigation of the River Penetangore within the limits of the said town and have also in order to raise a portion of the said sum of forty thousand dollars under the authority of by-laws numbers seventy-one and seventy-nine issued debentures to the amount of thirteen thousand dollars on the credit of the said Corporation which debentures are payable in twenty years and three years respectively, with interest at the rate of six per cent. per annum; and whereas the improvements made at the said harbour and in the said river are of great benefit and advantage to all persons conveying goods, wares, merchandise and chattels to and from the said town of Kincardine and have afforded material facilities to the navigation of the said river and entrance to and from the said harbour, and will, if maintained, continue to afford such advantages and facilities; And whereas the depth of water in the said harbour is liable to become lessened owing to the shifting sands; And whereas considerable expense will necessarily be incurred by the said Corporation in keeping open the navigation of the said harbour and river; And whereas also it is expedient further to improve the said harbour and enlarge the basin; And whereas the Corporation of the town of Kincardine have, by their petition, prayed to be authorized to impose and collect tolls by by-law on goods, wares, merchandise and chattels shipped on board of or landed from any vessel, boat or other craft in or at the said harbour at the town of Kincardine or the basin or river connected therewith, and on logs, timber, spars and masts going into or upon or through the said harbour, and to employ the proceeds of such tolls, after deduction and payment of the expenses of the collection thereof, as is hereinafter directed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Corporation of the town of Kincardine is authorized and empowered to pass by-laws for the imposition and collection of tolls, to be employed after payment of the expenses of collection for the purpose of assisting in liquidating the debt Corporation may levy harbour tolls. Application thereof.

debt incurred by the said corporation in improving the said harbour and of further improving the said harbour and the piers in connection therewith; on all goods, wares, merchandise and chattels shipped or landed on board or out of any vessel, boat or craft from or upon any part of the said harbour, basin or piers, and upon all logs, timber, spars or masts going into or through or upon the same or any part thereof,—the said tolls not to exceed the rates set out in the schedule to this Act: Provided that the by-law or by-laws imposing the said tolls shall be approved by the Governor in Council before having any force or effect; and provided further that the power to collect such tolls shall cease in ten years after the passing of this Act.

Not to exceed rates in schedule.

Proviso.

Proviso.

Sale of goods, wares and merchandise for non-payment of tolls

2. If any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act and under any by-law that may be passed under the authority thereof, it shall and may be lawful for the said corporation or their officer, clerk or servant, duly appointed, to seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts on which the same are due and payable until such tolls are paid; and if the same shall be unpaid for the space of fifteen days after such seizure the said corporation, or their officer, clerk or servant as aforesaid may by public auction, sell and dispose of the said goods, wares, merchandise and chattels, logs, timber, spars or masts or such part thereof as may be necessary to pay the said tolls and the reasonable costs and charges of keeping and selling the same,—giving six days notice thereof, and returning the overplus if any to the owner or owners thereof: perishable goods may be sold in like manner by public auction after a delay of twenty-four hours in default of payment of dues and charges.

Perishable goods.

Vessels, &c., liable for tolls.

3. Every vessel, boat or other craft on board of which goods, wares, merchandise, chattels and other things may be shipped shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof may be detained until payment thereof is made.

Return to Parliament.

4. An annual return shall be made to Parliament of the amounts collected under the said by-laws and of the manner in which the same have been expended.

To be subject to future legislation.

5. The said harbour of the town of Kincardine and the works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada which may be passed hereafter for the construction, improvement, regulation or maintenance of the said harbour.

SCHEDULE.

SCHEDULE.

	$ cts.
Wheat, per bushel	½
Rye, "	¼
Barley, "	¼
Flax seed, "	½
Beans, "	1
Pease, "	¼
Oats, "	¼
Timothy seed, "	2
Clover seed, "	3
Corn, "	¼
Potatoes and other roots, per bushel	¼
Onions, per bushel	1
Onions, per barrel	3
Apples, per bushel	½
Apples, per barrel	2
Plums and Peaches, per bushel	1
Cranberries, per barrel	10
Flour, "	2½
Oatmeal, "	2
Cornmeal, "	1
Pork, "	5
Bacon and Ham, per 100 lbs	1½
Bacon and Hams, per ton	30
Beef, per barrel	4
Fish—Trout and White Fish, per barrel	2
Herring (Lake Huron) "	1½
" (Salt Water) "	2
Salmon, " "	3
Cod Fish " per 100 lbs	2
In boxes, " "	3
Water Lime and Plaster of Paris, per barrel	2
Land Plaster, per barrel	1
Potash, "	5
Pearl Ash, "	5
Salt imported in barrels or bags, per barrel or bag	2
Salt exported " " " "	¼
" per ton	5
Molasses, per barrel	10
Whiskey, "	20
Beer, Ale or Porter, per barrel	12½
" " per half barrel	7
" " per quarter barrel	5
" " bottled, per barrel	20
Brandy, per barrel	40
" per keg or half barrel	20
" bottled, in case, per dozen	10
Gin or Rum, per barrel	40
" per keg or half barrel	20
" per dozen, in case	10

17½ Wines,

	$ cts.
Wines, per barrel	30
Highwines or Alcohol, per barrel	60
Vinegar, "	5
Paint Oil, boiled or raw, "	20
Coal Oil, "	5
All other Oils, "	25
Varnish, per gallon	1
Turpentine, per barrel	25
Sugar, per 100 lbs	1
" per barrel	1
Horses, per head	20
Cattle, "	10
Swine, Sheep or Calves, per head	2
Square or Round Timber, per 100 ft. running measure	5
Sawed Lumber, per 1000 feet	10
Shingles, per square	1
Laths, per 1000 feet	2
Coal of all kinds, per ton	10
Pig or Scrap Iron, "	12½
Bar or Wrought Iron and Steel, per ton	20
Nails or Spikes, per ton	20
General Hardware, per ton	30
Chain Cable Castings, "	25
Grindstones, "	12
Paints, "	40
Nursery Produce, "	30
Merchandise, "	50
Earthenware, per crate or hhd	10
Threshing Machines, each	1 00
Reaping and Mowing Machines, each	50
Horse Rakes, each	20
Harness, per set	10
Rollers, "	10
Straw Cutters, each	10
Root Shears, "	10
Ploughs, "	10
Double Waggons, "	25
Single Waggons or Buggies, each	25
Fanning Mills, each	12
Lard or Butter, per keg or firkin	2
Eggs, per barrel or box	4
Bricks, per 1,000	10
Bath Bricks, per box	1
Furniture, per ton	50
Hops, per 100 lbs	10
Cheese, "	3
Wool, "	5
Hides or Skins, green, per 100 lbs	3
" dry, "	5
Hay, per ton	10
Leather, per ton	50

Stave

	$ cts.
Stave Bolts, per cord	5
Staves, per 1000	6
Shingle Bolts, per cord	5
Bark, "	5
Wood, "	2½
Cedar Posts, per 100	5
Cedar Ties, "	10
Field, Lake, or small Quarry Stone, per cord	15
Quarried Sand Stone, per ton	15
Marble, per ton	25
All other articles not above mentioned, per ton	40
For Rafts, tonnage dues for 1000 feet lineal measure..	50

Crafts and Vessels of any description:

For Vessels under 50 tons	50
" 50 tons to 150 tons	1 00
" 150 tons and upwards	1 50
Steamers and Propellers making regular calls to be charged at the rate of $3.00 per month by the season	3 00

CHAP. 53.

An Act respecting Tolls in the Harbour of Montreal.

[*Assented to 28th April*, 1877.]

IN amendment of the Acts hereinafter mentioned, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Upon, from and after the first day of May, in the present year, one thousand eight hundred and seventy-seven, section twenty-eight of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal,*" and the tariff of tolls, rates, duties and dues to be levied in the harbour of Montreal, under and by virtue of the said Act, and the Schedules A, B, C, D, E, F and G, fixing the said tolls, rates, duties and dues in each case, shall be repealed; except the proviso respecting vehicles, forming part of the said section twenty-eight, which shall remain in force and apply to the tariff under this Act. **Sect. 28 of 36 V. c. 61 and tariff of tolls, repealed from 1st April, 1877.** **Exception.**

2.



New Tariff of tolls on and after 1st May, 1877.

2. Upon, from and after the said first day of May, one thousand eight hundred and seventy-seven, it shall be lawful for the corporation of The Harbour Commissioners of Montreal, to levy upon all vessels entering or departing from the Harbour of Montreal, or being at anchor or otherwise moored therein, and upon all goods landed or shipped or deposited therein (except arms, ammunition and military accoutrements, and other munitions of war for the use of the Government or for the defence of the Dominion, and except also vessels laden therewith), the several rates and dues mentioned in the schedules appended to this Act; the whole subject to all and every of the provisions of the Act of the legislature of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, and intituled "*An Act to provide for the Management and Improvement of the Harbour of Montreal, and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purposes,*" or of the Act hereby amended, or any Act amending the same or either of them, in the same manner and to the same extent as if the schedules hereunto appended had originally formed part of and been appended to the Act first cited in this section.

Subject to Act of Province of Canada 18 V. c. 143.

TARIFF.

Rates and Dues to be levied in the Harbour of Montreal, under and by virtue of the foregoing provisions of this Act on and after the first day of May, 1877.

DUES TO BE LEVIED ON ALL VESSELS IN THE HARBOUR.

On steamboats measuring fifty tons and upwards, per ton register, for each day of twenty-four hours they remain in the harbour, reckoned from the hour of their arrival to that of their departure	1½c.
On all other vessels measuring fifty tons and upwards, per ton register and per day, as aforesaid	¾c
On steamboats measuring under fifty tons register for each day reckoned as aforesaid, each	40c.
On all other vessels, measuring from twenty-five to fifty tons register, per day, reckoned as aforesaid, each	25c.
On all vessels of less than twenty-five tons register, each, per day, as aforesaid	10c.

Rates

RATES TO BE LEVIED ON ALL MERCHANDISE, ANIMALS AND THINGS WHATSOEVER LANDED OR SHIPPED IN THE HARBOUR.

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
A		Cts.	Cts.	Cts.
Ashes, Pot or Pearl	barrel	7		
Axes	dozen	2		
Animals, undescribed	each	2		
Apples	barrel.	2		
Alum			25	
Anchors			25	
Anvils			25	
Arrowroot			30	
Ale, Beer and Porter, in bottles				25
B				
Beef	barrel	2		
Bark	cord	5		
Baskets	dozen	2		
Brooms, Corn	do	2		
Buckets	do	2		
Bateaux	each	10		
Boats, undescribed	do	4		
Burrstones	do	2		
Bottles, empty				15
Ballast			10	
Bones			25	
Bran			25	
Barrels, empty	100	20		
Billets	100	15		
Boxes, empty	100	20		
Bricks	1,000	10		
Barley, Pot or Pearl			30	
Batting				15
Biscuit			30	
Blue			30	
Bread			30	
Brimstone			30	
Butter			30	
Bleaching Powder			30	
C				
Cinders			10	
Coal			10	
Coke			10	
Canoes	each	2		
Carriages on wheels	do	10		
Carts	do	2		
Casks, empty, undescribed	do	1		
Cattle, Neat	head	4		
Cement			25	
Chains			25	
Chalk			25	
Chinaware, in packages				20
Copperas			25	
Clay, in natural state			10	
Corks				15
Crockery, in crates				15

RATES

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
Corn, Indian	100 bushels	25		
Candles			30	
Cheese			30	
Chocolate			30	
Cocoa			30	
Coffee			30	
Cordage			30	
Cork, unmanufactured			30	
Cotton			30	20
Crackers			30	30
Cider			30	25
Currants			30	
Cotton Waste			30	15
D				
Dusters, Corn	dozen	1		
Drugs, not otherwise enumerated			40	30
Dry Goods do do			50	50
E				
Earthenware, in crates				15
do loose			25	15
Eggs	1,000	4		
Earth			30	
F				
Fish	barrel	2		
Flour	do	2		
Fish, Shell	do	3		
Fruit, Green	bushel	1		
Fluids, unenumerated			40	30
Feathers			50	
Flax			30	
Fruits, dried			30	
Fish, dry or green			25	
do in oil			40	30
Furniture			40	30
G				
Game	dozen	2		
Gear, Raft			25	
Gypsum			25	
Grindstones			25	
Glass, Window	100 feet	2		
Glassware, in packages				20
Grain (oats excepted)	100 bushels	25		
Ginger			30	
Glue			30	
Grease			30	
Gunpowder			30	
Gold or Bullion	free			
Groceries, not otherwise enumerated			40	30

RATES

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
H		Cts.	Cts.	Cts.
Hides	dozen	5		
Horses	each	4		
Horns			25	
Hoofs			25	
Hay			30	
Handspikes	100 pieces	15		
Hemp			30	
Honey			30	
Hops			30	
Hardware, Manufactured			40	30
Hollow Ware				20
I				
Iron			25	
Junk			30	
Iron Pipes			30	
L				
Lemons				20
Lime			10	
Luggage			25	
Liquors			40	30
Laths	1,000	4		
Lumber (board measure)	1,000 feet	10		
Lampblack			30	
Lard			30	
Leather			40	30
Lead (ground) White or Red			30	
Liquorice Paste			30	
M				
Meal	barrel	2		
Meats	do	2		
Metals of all kinds, in pig, bar, bolts, rods or sheets			30 (when in lots of five tons and over, 25 cts.)	
Millstones			25	
Moulds, Plough			25	
Matches	12 gross	2		
Malt	100 bushels	25		
Marble, unmanufactured	100 cubic ft.	20		
do manufactured, Granite, &c.			30	
Meats, dry, salted			20	15
do Preserved			25	
Molasses			30	
Machinery			30	30

RATES

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
N				
Nails			25	
Nuts of all kinds			30	
O				
Oars	100	15		
Oranges				20
Onions	bushel	1		
Oysters	do	1		
Ores of all kinds			25	
Oil			30	
Oakum			30	
Ochres			30	
Oilcake			30	
Oats	100 bushels	15		
P				
Pitch	barrel	2		
Pork	do	2		
Plates, Canada	box	2		
Plates, Tin	do	2		
Pails	dozen	2		
Poultry	do	2		
Puncheon Packs	each	2		
Pipes, empty	do	2		
Puncheons, empty	do	2		
Pipes, Clay				20
Potatoes	bushel	1		
Plaster of Paris			25	
Poles, Hop	100	5		
Pulse	100 bushels	25		
Paint			30	25
Paper (Wrapping)			30	25
Putty			30	25
Phosphate of Lime, unmanufactured			10	
Plaster of Paris do			10	
Petroleum (four barrels to the ton)			20	
Pickles and Sauces			30	25
R				
Rosin	barrel.	2		
Rags			30	25
Rice			30	25
Rope			30	25

RATES

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
S				
Shovels	dozen.	2		
Skins, Buffalo	do	10		
Skins, untanned and uncured			40	30
Spades	dozen.	2		
Shooks, puncheon	each	2		
Staves, barrel	mille.	15		
Staves, puncheon	do	20		
Staves, standard	do	60		
Sand			10	
Shorts			25	
Shot			25	
Soda Ash, Caustic Soda, Sal Soda, Silicate Soda			25	
Spikes			25	
Stoves			25	
Straw			20	
Stone (except ballast)	100 cubic ft.	20		
Salt	100 bushels	25		
Seed	do	25		
Sleepers, Railroad	100	25		
Shingles	1,000	4		
Slates for roofing	1,000	10		
Sago			30	
Saleratus			30	
Sulphur			30	
Saltpetre			30	
Snuff			30	
Soap			30	
Spices			30	
Starch			30	
Stoneware, in crates				15
Sugar			30	
Sewing machines			30	30
Steel			40	30
T				
Tar	barrel	2		
Tiles for roofing	1,000	10		
Timber	100 cubic ft.	10		
Tallow			30	
Teas			40	30
Tobacco			30	
Tow			30	
V				
Vehicles, undescribed	each	4		
Vegetables, green	bushel	1		
do preserved			25	
Vinegar			40	30

RATES



Rates to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
W				
Wood, fire	cord	5		
Wood, lath	do	10		
Whiting			25	
Wine			40	30
Wadding				15
Wax			30	
Wire			30	
Wool				25
Whetstones			30	
Whisks, corn	dozen.	1		
Wood, manufactured				20
Waters, aerated and mineral				20

On all goods, wares and merchandise whatsoever, the quantity of which by weight, measurement or other mode of estimate provided for in the Tariff, cannot be conveniently ascertained, it shall be lawful for the Harbour Commissioners to levy a rate of one quarter of one per cent. on the value thereof.

Goods not coming under any class enumerated in the Tariff, shall be charged the same rate as the class to which they are most nearly assimilated.

Each entry shall pay not less than five cents.

All property landed on the wharves for re-shipment shall only pay one wharfage.

The ton weight mentioned in the Tariff shall be two thousand pounds.

OTTAWA: Printed by Brown Chamberlin, Law Printer to the Queen's Most Excellent Majesty.

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PUBLIC GENERAL ACTS.



ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA,

PASSED IN THE

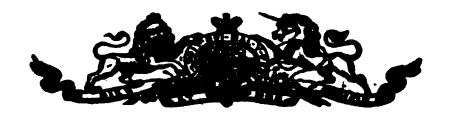
FORTIETH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FOURTH SESSION OF THE THIRD PARLIAMENT,

Begun and holden at Ottawa, on the eighth day of February, and closed by Prorogation on the twenty-eighth day of April, 1877.



HIS EXCELLENCY

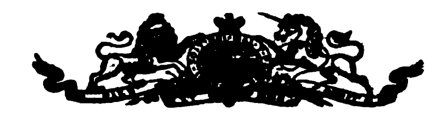
THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,

GOVERNOR GENERAL.

VOL. II.

LOCAL AND PRIVATE ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1877.



40 VICTORIA.

CHAP. 54.

An Act to extend the provisions of section fifty-six of the Act thirty-fourth Victoria, chapter five, intituled "An Act relating to Banks and Banking," to the Bank of British North America.

[*Assented to* 28*th April*, 1877.]

WHEREAS the Bank of British North America has petitioned that the provisions of section fifty-six of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled "*An Act relating to Banks and Banking*," should extend and apply to the said bank, and it is desirable to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 34 V., c. 5.

1. From and after the passing of this Act the provisions of section fifty-six of the said "*Act relating to Banks and Banking*" shall extend and apply to the said Bank of British North America. S. 56 of 34 V., c. 5 to apply to Bank of B. N. A.

CHAP. 55.

An Act respecting "La Banque Jacques Cartier."

[*Assented to* 28*th April*, 1877.]

WHEREAS *La Banque Jacques Cartier* has, by petition, represented that it has sustained heavy losses in the course of its operations, which have had the effect of diminishing its assets and the value of the paid up shares of its capital; and whereas in order that it may continue its operations with advantage, it is necessary, as was unanimously admitted by its shareholders in general meeting assembled, Preamble.

 to

to reduce its capital by reducing the nominal value of its shares, to authorize its amalgamation with other banks, and to grant it certain other powers; and whereas for these reasons it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital reduced.

1. The capital of *La Banque Jacques Cartier* is hereby reduced from two millions of dollars to one million of dollars, divided into forty thousand shares of twenty-five dollars each, and the nominal value of each share is reduced from fifty dollars to twenty-five dollars: Provided that the holders of the present shares, not paid up, shall be liable to the payment in full of such shares, to the extent of their former nominal value.

Proviso.

Certain arrangements confirmed.

2. The arrangement made by deed passed at Montreal, on the tenth of March, one thousand eight hundred and seventy-six, before Maître Dumouchel, Notary, between the said bank and Romuald Trudeau, André Lapierre, Paul Médard Galarneau, Nazaire Villeneuve, John L. Cassidy, Louis Joseph Béliveau, Charles Séraphin Rodier, Jean Baptiste Beaudry, and Victor Hudon, formerly Directors of the said Bank,—of which arrangement a copy is annexed as a Schedule to this Act—is hereby confirmed; and the Board of Directors of the said Bank is hereby authorized to distribute among the shareholders, conformably to the tenor of the said arrangement, the five thousand paid up shares of the capital of the said Bank, transferred to Jacques Grenier, Esquire, in trust, for the benefit of the shareholders, by the said late Directors of the said Bank, proportionately to the number of shares held by each of the said shareholders; and such distribution shall be effected, either by apportioning the shares themselves, or by selling them and distributing the proceeds of the sale, or by adopting both methods, at the option of the Directors.

Distribution thereunder.

Amalgamation with another bank authorized.

3. The Directors of the said Bank may enter into an agreement with one or several of the incorporated banks of the Dominion, for an amalgamation, and may determine upon the terms of such amalgamation, and the relative values of the assets of the said *Banque Jacques Cartier* and of such amalgamating banks, and may agree upon all matters respecting the management of the banks so amalgamated: Provided that the said agreement of amalgamation shall not contain anything inconsistent with "*An Act relating to Banks and Banking*," and the amendments thereto: no such agreement shall be valid, however, until confirmed by the majority of the shareholders of *La Banque Jacques Cartier*, present or duly represented at any general meeting of the said shareholders specially called for that purpose.

Proviso: not to contravene 34 V., c. 5 on pain of nullity.

4.



4. The Directors of any other bank are hereby authorized to enter into an agreement of amalgamation with *La Banque Jacques Cartier* to the purport and effect set forth in the next preceding section; but such agreement shall not be valid until confirmed by the majority of the shareholders of each bank entering into such amalgamation, present or duly represented at a general meeting of the said shareholders specially called for that purpose. Other banks may amalgamate with it.

5. The agreement of amalgamation shall be made by notarial deed, or by writing under private signature; and after its confirmation by the shareholders of the amalgamating banks, an authentic copy of the said agreement, if it has been made by notarial deed,—or a duplicate thereof, if it has been made by deed under private signature, shall be filed in the office of the Secretary of State of Canada; and immediately after its filing, the said copy or the said duplicate shall be published in the *Canada Gazette*, at the expense of the bank; and the amalgamation shall come into force from the date of such publication, and thereafter the amalgamated banks shall be deemed to be one corporation, under such name as may be declared in the agreement of amalgamation: Provided, that such name shall not be that of any incorporated bank not being a party to such amalgamation; and the new bank shall possess all the rights and privileges belonging to institutions of that character, and shall be subject to the provisions of the "*Act relating to Banks and Banking*," and the amendments thereof. How amalgamation may be effected. Proviso as to new name.

6. Any authentic copy of the said agreement of amalgamation, accompanied by the certificate of the Secretary of State of Canada, of the filing in his office, and the publication in the *Canada Gazette*, of a similar copy, or any copy of the duplicate of the said agreement, filed at the office of the said Secretary of State, accompanied by the certificate of the said Secretary of State, of the publication thereof in the *Canada Gazette*, or any copy of the *Canada Gazette* containing the publication of the said agreement of amalgamation, shall be evidence, in the courts and in all proceedings, of the said agreement of amalgamation, and of the amalgamation of the banks so amalgamated, and of their incorporation into one and the same corporation. Certain copies of agreement to be evidence.

7. The capital of such amalgamated bank shall not be less than the sum of the joint capital of the several banks collectively; and the amount thereof shall be declared by the agreement of amalgamation. Capital of new bank.

8. The agreement of amalgamation shall provide for the place where the principal office of the amalgamated bank shall be situate. Head office.

9.



Shareholders. **9**. Immediately upon the amalgamation taking place, the shareholders of the respective banks so amalgamating shall *ipso facto* become the shareholders of the new bank, in the proportion set forth in the agreement of amalgamation.

Assets vested in new bank. **10**. So soon as the amalgamation shall take effect, the assets of the several banks shall become vested in the new bank, as for its own use and benefit absolutely; and it may, in its own name, exercise all the rights and powers of each of the amalgamated banks.

Its liability. **11**. The new bank shall forthwith become liable for all the obligations of each of the said banks so amalgamated, and may be sued to compel the performance of such obligations.

Rights of banks saved. **12**. The amalgamation shall in no way vary the obligations of the debtors of the said banks so amalgamated, save and except that they shall become the debtors of the new bank.

Creditors' rights saved. **13**. Nothing in this Act shall be construed so as to lessen or vary the liability of the shareholders of *La Banque Jacques Cartier* to the present creditors thereof.

SCHEDULE.

On the tenth day of March, one thousand eight hundred and seventy-six, before me, Louis Napoléon Dumouchel, Notary Public, of the Province of Quebec, in the Dominion of Canada, residing and practising in the City and District of Montreal, undersigned,

Came and appeared "La Banque Jacques Cartier," a body politic and corporate, having its office and place of business in the City of Montreal, represented and acting in these presents by its President, the Honorable Jean Louis Beaudry, and by Alphonse Desjardins, Esquire, one of the Directors thereof, both of Montreal, here present, duly authorized thereto by a resolution adopted by the new Board of Directors of the said bank at a meeting held at Montreal on the eleventh day of January last (one thousand eight hundred and seventy-six) at the ordinary place of meeting, and of which a certified copy is annexed to these presents, as part thereof and for reference in case of need,

Parties of the first part,

And Messieurs Romuald Trudeau, Charles Séraphin Rodier, junior, Jean Baptiste Beaudry, Louis Joseph Béliveau, Paul Médard Galarneau, John L. Cassidy, Nazaire Villeneuve, André Lapierre and Victor Hudon; all the before-named residing in the said City of Montreal and forming in its

its entirety the late Board of Directors of the said bank, herein designated as "the late Directors,"

Parties of the second part,

Who in the first instance set forth:—

That at a general meeting of the shareholders of the said bank, held on the thirty-first day of August and the first day of September last (one thousand eight hundred and seventy-five), certain shareholders having charged the late Directors with not having used due diligence in the administration of the affairs of the said bank during the period of their management, the latter, although convinced of having always acted in good faith and of having used the diligence required by custom and by law, and seeing that in their own interest as well as that of the bank it was advisable to avoid all differences and unite their common forces to re-establish the said bank, have, without admitting any responsibility, but as a compromise, offered to the said shareholders to relinquish in favor of the said bank two hundred and fifty thousand dollars of paid-up shares in the capital stock thereof, on condition that they should be released from all responsibility by reason of their management and administration as Directors up to the fifteenth of June last (one thousand eight hundred and seventy-five);

That shareholders, proprietors to the amount of nine hundred and fifty-seven thousand nine hundred dollars of shares in the capital stock of the said bank, and constituting an absolute majority of the shareholders, have accepted the offer thus made by the said late Directors, and have renounced all claims they may have had against the latter by reason of their management and administration: Provided always, that the before-mentioned sum of two hundred and fifty thousand dollars of paid-up shares were transferred within four months to the said bank, and sold for the common benefit of the shareholders (to the exclusion of the said late Directors), and proportionately at the expense of each of them;

That in order to give effect to the offer thus made by the said late Directors, the latter did, on the fourth day of January last (one thousand eight hundred and seventy-six), transfer to Jacques Grenier, Esquire, merchant, of Montreal, in trust, the above-mentioned amount of two hundred and fifty thousand dollars of paid-up shares, subject to the order of the new Board of Directors, who were empowered to sell them and distribute the proceeds in accordance with the expressed desire of the said majority of shareholders, always, however, on the condition that the said bank should release the said late Directors from all claims that they might have and claim to have against them by reason of their management and administration as aforesaid;

That on the fourth of January last (one thousand eight hundred and seventy-six), the said late Directors duly notified

the



the President of the said bank of such transfer so made to the said Jacques Grenier;

That on the eleventh day of the same month of January, one thousand eight hundred and seventy-six, by virtue of the resolution above mentioned, adopted at a meeting of the new Board of Directors, it was resolved to accept the said transfer on the conditions above mentioned;

Wherefore the said bank, represented and acting as aforesaid, has approved and ratified, as by these presents it does approve and ratify, for all purposes whatsoever, the said transfer of two hundred and fifty thousand dollars of paid-up shares to the said Jacques Grenier, in trust, wishing and intending that it may be proceeded with and executed according to its form and tenor, under the provisions, clauses and conditions proposed by the said late Directors, and for the ends above mentioned; the said bank releasing the latter from all claims that it may have against them by reason of their management and administration as such, up to the fifteenth of June last (one thousand eight hundred and seventy-five), and further binding itself to hold them indemnified from all responsibility they may have incurred by reason of any of the acts of such management and administration.

Whereof *acte*.

Made and passed in the City of Montreal, under the number two thousand eight hundred and twenty-six of the roll of the undersigned Notary, who keeps these presents in his minutes.

And, after reading, the parties have signed these presents with the said Notary.

(*Signed*), J. L. BEAUDRY,
" ALPH. DESJARDINS,
" R. TRUDEAU,
" ANDRÉ LAPIERRE,
" P. M. GALARNEAU,
" NAZ. VILLENEUVE,
" JOHN L. CASSIDY,
" L. J. BELIVEAU,
" C. S. RODIER,
" J. B. BEAUDRY,
" V. HUDON,
" LS. N. DUMOUCHEL, N. P.

True copy of the minute remaining of record in my custody.

LS. N. DUMOUCHEL, N. P.

At a meeting of the Directors of the *Banque Jacques Cartier*, held at Montreal on the eleventh January, one thousand eight hundred and seventy-six, in the meeting hall of the said bank;

On

On motion of the Honorable Louis Archambault, seconded by Mr. Alphonse Desjardins, it was unanimously resolved :—

That whereas MM. Charles Séraphin Rodier, junior, Jean Baptiste Beaudry, Louis Joseph Béliveau, Victor Hudon, Paul Médard Galarneau, Nazaire Villeneuve, Romuald Trudeau, André Lapierre and John L. Cassidy, of Montreal, Directors of the *Banque Jacques Cartier* at the time of its suspension on the fifteenth June last, have made, in favor of the bank, to Mr. Jacques Grenier, merchant, of Montreal, a transfer of two hundred and fifty thousand dollars of paid-up stock in the capital of the said institution, subject to the order of this Board of Directors, who are empowered to sell the same in order to distribute the proceeds of such sale among the shareholders (excluding the late Directors), upon the express condition that this bank releases them from all claims which it may claim to have against them in consequence of their administration and management as the Directors thereof until the fifteenth June last, and holds them harmless of all responsibility which they may have incurred in consequence of any act in connection with such administration and management, as this Board of Directors has been informed by a letter from those gentlemen, dated the fourth January instant, addressed to the President of the bank, and also by a letter from Mr. Jacques Grenier, bearing the same date, and likewise addressed to the President ;

That whereas the said transfer was made to carry out an offer made by the said late Directors to the shareholders, and whereas that offer was accepted by the majority of the shareholders (deducting the shares held by the late Directors), that is to say, by a majority in number of the shareholders (say two hundred and eighty-three out of four hundred and seventy-six shareholders), holders of eighteen thousand five hundred shares, representing nine hundred and twenty-five thousand dollars of the capital stock, as is established by the signature of the said shareholders :

This Board of Directors is of opinion that it is in the interest of this bank as well as in that of the shareholders, to comply with the wishes of the majority of the shareholders by approving the transfer which the said late Directors have made in favor of the bank, upon the condition of their being granted a release as aforesaid ;

Wherefore the bank approves the transfer made to Mr. Jacques Grenier, to all intents whatsoever, declares its intention of availing itself thereof upon the conditions expressed by the majority of the shareholders, and releases the said Messrs. Charles Séraphin Rodier, junior, Jean Baptiste Beaudry, Louis Joseph Béliveau, Victor Hudon, Paul Médard Galarneau, Nazaire Villeneuve, Romuald Trudeau, André Lapierre, and John Louis Cassidy, from all claim which the bank may have against them in consequence of their administration and management as Directors of the *Banque Jacques Cartier*, up to and until the fifteenth day of June last, and binds

itself

itself to them to hold them harmless of all responsibility which they may have incurred in consequence of any of the acts of such administration and management.

Mr. Jean Louis Beaudry, President of the bank, and Mr. Alphonse Desjardins, one of the Directors thereof, are authorized to make and sign, in the name of the bank, all deeds necessary to carry this present resolution into full and entire effect.

(*Signed*), J. L. BEAUDRY,
President.

" J. A. MANSEAU,
Secretary.

True copy of a resolution attached to a deed received on the tenth March last (one thousand eight hundred and seventy-six), before Maitre Louis N. Dumouchel, Notary, undersigned, under the number two thousand eight hundred and twenty-six of his roll, purporting to be "Acceptance and ratification by the ***Banque Jacques Cartier*** of a transfer of shares of the said bank, made for the benefit of the shareholders thereof by Messrs. Romuald Trudeau ***et al***, and containing a release in favor of the latter."

Montreal, thirteenth March, one thousand eight hundred and seventy-seven.

[L.S] LS. N. DUMOUCHEL, N. P.

CHAP. 56.

An Act to authorize and provide for the winding up of the Metropolitan Bank.

[*Assented to 28th April*, 1877.]

Preamble. WHEREAS the Metropolitan Bank, by its petition, has represented that it has met with heavy losses, and that its shareholders have determined that it is for their interest that the said Bank should be wound up, and has prayed for authority so to do; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The shareholders of the Metropolitan Bank, at any special general meeting thereof called for the purpose according to its charter, may appoint three persons to be liquidators, to realize and wind up the assets and affairs of the said Bank, and such liquidators shall appoint one of their number to be chairman, and shall have all the administrative powers of Directors,—save and except that no business shall be transacted by the said Bank, other than such as shall be requisite for the winding up of its affairs in the manner herein provided: and such liquidators shall proceed according to their discretion with the realization of the assets of the Bank as speedily as possible without undue sacrifice; and for that purpose may make such arrangements with any other bank for the collection of debts now due to the said Bank upon such terms and conditions as they may deem reasonable; and from and out of the proceeds of such assets they shall pay all the ordinary liabilities of the Bank, first discharging all privileged claims thereon: and after paying in full all such privileged claims and liabilities and providing for the payment of any of such liabilities that shall not have been claimed, they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the said Bank in manner and form hereinafter set forth.

Special general meeting may appoint liquidators.

Their duties and powers.

Paying liabilities.

Division of surplus.

2. The inequality among the shareholders of the Bank as to the amount of calls paid by them shall first be removed by returning the full amount of calls paid in, in excess of forty per cent., first charging interest on unpaid calls; and if the balance of the said assets after such payment and provision shall prove to be insufficient to return all paid calls above forty per cent., the liquidators shall have the right to make calls upon the shareholders owing any calls in such a manner as to equalize the amounts paid in, and to make good the deficiency; but if the balance of such assets should be more than sufficient to reduce the amount paid by all the shareholders to a uniform level of forty per cent. the remainder thereof shall be divided equally among the shareholders of the Bank.

Provisions respecting division of surplus assets.

3. If any portion of the liabilities of the Bank, either consisting of ordinary indebtedness or of unredeemed circulation, shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared, the amount which has been reserved as a provision for such liabilities shall be retained on deposit at interest by the liquidators, in their names as such, until more than five years shall have elapsed from the incurring of ordinary liabilities, or from the passage of this Act in the case of outstanding bills; and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in French and another in English in the City of Montreal, of the intention of the liquidators to distribute such provision among the shareholders, any balance then

Provision for unredeemed liabilities.

Time limited.

Notice when such time has expired.

then remaining unclaimed shall be distributed accordingly with all the interest accrued thereon.

Responsibility, remuneration, and duties of liquidators.

4. Such liquidators shall be responsible each for his own acts and deeds only, and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders at the meeting by which they are appointed, or at the final meeting of such shareholders. And they shall be subject to the directions of such shareholders and to removal and replacement from time to time by any special general meeting of such shareholders, called for the purpose, in the manner required by the charter; but if a vacancy occurs from any cause, the remaining liquidators or liquidator shall continue the winding up of the Bank with all the powers herein conferred upon all of them until the shareholders shall have filled such vacancy. And the majority of such liquidators, if there be more than two, shall form a quorum. And upon the final winding up of the Bank, the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank, and to abandon the charter thereof,—which charter shall thereupon lapse and become and be extinguished: and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Subject to directions of shareholders.

Quorum.

Final meeting of shareholders to dissolve the bank.

Assets may be sold *en bloc* on certain conditions.

5. If, pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized so to do by such meeting may accept the same with or without modification as they may be instructed to do by such meeting; and thereupon may execute a valid conveyance thereof to the purchaser thereof.

CHAP.

CHAP. 57.

An Act respecting the Northern Railway Company of Canada.

[*Assented to 28th April*, 1877.]

WHEREAS by an Act of the Parliament of Canada, being chapter twenty-three of the Statutes passed by that Parliament in the thirty-eighth year of the reign of Her present Majesty, provision was made for the discharge of the lien of the Dominion of Canada amounting to four hundred and seventy-five thousand pounds sterling, on the Railway and undertaking of the Northern Railway Company of Canada hereinafter called the Company, upon certain conditions and certain payments to be made by the Company; Preamble. Recital of case, 38 V., c. 23.

And whereas, by another Act of the said Parliament, being chapter sixty-five of the Statutes passed in the thirty-eighth year of Her said Majesty, it was enacted that it should be lawful for the Company and the Northern Extension Railways Company, hereinafter called the Extension Company, at any time after the passing of the Act to enter into an agreement for amalgamation upon such terms, conditions and stipulations as might be therein set forth, sealed with their respective common seals, and approved in general meetings of the respective Companies as therein mentioned, but so that such agreement should contain provisions to the effect in the Act set forth; and it was thereby provided that after such amalgamation the Company might advance and expend such sum of money as might be necessary for completing the line and works of the Extension Company from Severn River Bridge to Gravenhurst, and for such other services as the Extension Company might, before such amalgamation, have legally performed under their charter; 38 V., c. 65.

And whereas the conditions and payments by the said first-recited Act, required to be performed and made for the purpose of discharging the lien of the Dominion, have been duly performed and made by the Company, and the said lien has been discharged accordingly;

And whereas the amalgamation of the Company and the Extension Company, authorized by the said secondly recited Act, has been duly carried into effect by an agreement for amalgamation dated the third day of June, one thousand eight hundred and seventy-five, under the respective common seals of the Companies, and approved by the general meetings of the respective Companies, as required by the said secondly recited Act; Agreement of amalgamation with Northern Extension Railway Co.

And

Present state of share and loan capital. And whereas the present share and loan capital of the Company consists of the following particulars, exclusive of the loan capital of the Extension Company, that is to say :—

(*a*) First preference bonds to the amount of two hundred and fifty thousand pounds sterling ;

(*b*) Second preference bonds to the amount of two hundred and eighty-three thousand nine hundred pounds sterling ;

(*c*) Class A., third preference bonds to the amount of fifty thousand pounds sterling, in bonds of one hundred pounds sterling each ;

(*d*) Class B., third preference bonds to the amount of one hundred thousand pounds sterling ;

(*e*) The preferential stock of the Company created by the said secondly recited Act to the amount of four hundred thousand pounds sterling ;

(*f*) The ordinary stock of the Company, amounting to one hundred and sixty-three thousand and forty pounds sterling ;

And of the following particulars constituting the loan capital of the Extension Company at the date of the said amalgamation, that is to say :—

(*g*) First mortgage bonds to the amount of one hundred and thirty-three thousand pounds sterling ;

(*h*) Improvement mortgage bonds to the amount of forty-four thousand four hundred pounds sterling ;

(*i*) Town bonds, three thousand four hundred pounds sterling ;

And whereas the aforesaid sum of four hundred thousand pounds, preferential stock, was created by the said secondly recited Act,—as to three hundred and fifty thousand pounds sterling, part thereof, for the purpose of raising the money necessary for discharging the Government lien, and subject thereto for the general purposes of the Company,—and as to fifty thousand pounds sterling, the residue thereof, for the purposes of the said amalgamation, and so far as not required for that purpose, for any object within the charters of either of the amalgamated Companies ;

And whereas the Company are indebted in considerable sums for money in part borrowed for and applied in discharge

charge of the said Government lien, and now owing on the security of preferential stock created by the said secondly recited Act, and in part borrowed for and applied towards the construction of the works authorised by the same Act, and now owing on the security of certificates of indebtedness under the common seal of the Company, for which and other sums borrowed it is necessary that provision should be made;

And whereas the first preference bonds of the Company, to the amount of two hundred and fifty thousand pounds sterling, will mature and become payable on the first day of August, one thousand eight hundred and seventy-nine, and it is necessary to provide for the same;

And whereas the Company have presented a petition praying that, for the purposes of satisfying the debts so as aforesaid incurred in discharging the Government lien and constructing the works authorized by the said secondly recited Act, and meeting and satisfying at maturity the said first preference bonds, and for other purposes of the Company, the Company may be authorized to raise the sum of not more than six hundred thousand pounds sterling by the issue of bonds or debenture stock, constituting together a first charge upon and secured by a general statutory mortgage of the whole undertaking of the Company as now constituted;

And whereas the Company have presented a further petition praying that, for the purpose of extinguishing all or any of the bonds constituting the loan capital of the Extension Company at the date of the said amalgamation, the Company may be authorized to issue other like bonds or debenture stock, secured in like manner by such statutory mortgage as aforesaid, to such an amount as not thereby to subject the properties, tolls or revenues of the Company to any greater total annual charge for interest than the now subsisting annual charge for interest on the bonds to be so extinguished;

And whereas it is expedient that the prayer of the said petition should be granted to the extent and in manner hereinafter appearing:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Securities to the amount of £650,000 stg. may be issued, sold or pledged.

1. Subject only to the provisions of this Act, it shall be lawful for the Directors of the Company, and they are hereby authorized to issue, sell or pledge, at such times, in such amounts and manner, at such price, on such terms, and subject

ject to such conditions as the Directors may think fit, securities of the Company to the amount of not more than six hundred and fifty thousand pounds sterling in the whole, either in the form of bonds of the Company to mature and become payable at such time or times as shall, by the Directors, be determined at the date or dates of the issue of such bonds respectively, and bearing interest at the rate of five per cent. per annum,—which may, as to the whole or any part thereof, be subject to such terms as to conversion into debenture stock of the kind hereinafter authorized as the Directors may think fit, or in the form of perpetual or redeemable debenture stock, which may, as to the whole or any part thereof, be subject to such terms as to conversion into bonds of the Company, of the kind hereinbefore authorized, as the Directors may think fit, and shall bear interest at the rate of five per cent. per annum, payable in such manner as the Directors may think fit, or partly in one and partly in the other of the said forms.

Interest.

Conversion into debenture stock, perpetual or redeemable.

To be a first charge on the property of the company.

2. The bonds or debenture stock for the time being created or issued under and by virtue of this Act, shall, together, be a first charge upon all the properties, real and personal, tolls and revenues of the Company, prior to all existing bonds of the Company, and to all bonds to be hereafter issued under any of the powers vested in the Company before the passing of this Act; and the interest thereon shall have priority of payment next after working expenses, over all interest and dividends on any other bonds, or stock, or shares of the Company,—but the holders of the said bonds and debenture stock, created or issued under this Act, shall not as among themselves be entitled to any preference or priority: Provided always that nothing in this Act contained shall in any way interfere with or prejudice any existing right to priority in payment of interest or other security, to which any holders of bonds, at the date of the said amalgamation, constituting the loan capital of the Extension Company are entitled.

Transfer of such securities.

3. The said bonds and debenture stock shall respectively be transmissible, transferable, and capable of registration in the same manner and according to the same regulations and provisions as the other bonds and stock of the Company; and the respective holders shall be deemed to be stockholders in the same manner and to the same extent as was, by the fifty-first section of the said secondly recited Act, provided with reference to the holders of all outstanding bonds of the Company theretofore entitled to vote.

Power of holders of stock.

4. The said debenture stock shall in all respects, not otherwise by this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking of the Company other than the right to require payment

payment of the principal money represented by the debenture stock, unless the Company, according to the terms of the issue of any such stock, shall be bound at any time to repay the principal money represented thereby, in which case the holders shall be entitled to receive payment accordingly.

Securities to the further amount of £200,000 stg. may be issued, sold or pledged.

5. Subject only to the provisions of this Act, and independently of the power hereinbefore conferred, it shall be lawful for the Directors of the Company, and they are hereby authorized to issue, sell or pledge in manner aforesaid additional bonds or debenture stock to an amount not exceeding two hundred thousand pounds sterling, of the kind hereinbefore mentioned to stand *pari passu* with the securities issued under the first section of this Act for the purpose of extinguishing by exchange, commutation or otherwise, or by paying off, by means of the proceeds, all or any of the bonds, amounting to one hundred and seventy-seven thousand six hundred pounds sterling, nominal value, and constituting the loan capital of the Extension Company at the date of the said amalgamation.

Application of moneys remaining after satisfying special purposes.

6. Any proceeds of the bonds or debenture stock hereby authorized to be issued, sold, or pledged, which may remain unapplied after satisfying all the special purposes of this Act, may be applied to the general purposes of the Company properly chargeable to capital account.

Sanction of holders of existing bonds must be obtained before issue of securities under this Act.

Special meeting of shareholders for that purpose; notices thereof.

7. No part of the bonds or debenture stock hereby authorized shall be issued, sold or pledged without the previous sanction of a resolution or resolutions affirmed by a majority of two-thirds in amount of the holders of existing bonds of the Company, (excluding the classes of bonds which at the date of the said amalgamation constituted the loan capital of the Extension Company,) that may be present in person or represented by proxy, at a special meeting to be called in London, England, of which meeting not less than six weeks' special notice shall have been previously given by advertisement in the following papers published in London, that is to say,—*The Times*, *The Standard*, *The Observer* and *Herapath's Journal*, and by two weeks' notice in the *Canada Gazette*; provided also that at such meeting such resolution or resolutions shall be affirmed by a majority in amount of holders of each of the classes of third preference bonds respectively, that may be present in person or represented by proxy: and such resolution or resolutions so affirmed shall be binding upon all the holders of each of the respective ranks or classes of existing bonds: and if such sanction shall not be obtained within twelve calendar months after the passing of this Act, then this Act and everything herein contained, except the clause as to the costs of and relating to this Act, shall forthwith

Such sanction must be obtained within 12 months.

become inoperative, and the Company and the Directors thereof shall have the same powers and rights as to the issue of preferential stock and otherwise as if this Act had not been passed.

Issue of preferential stock.

8. Not more than one hundred and fifty thousand pounds sterling in amount of the preferential stock created by the said secondly recited Act shall be issued, sold or pledged; but nothing in this Act contained shall prevent or interfere with the issuing, selling or pledging of any part thereof not exceeding one hundred and fifty thousand pounds sterling in amount; provided that such issue shall not be made unless the same be sanctioned by a majority of the shareholders that may be present in person or represented by proxy at a meeting specially called for that purpose.

Part of sec. 28 of 38 V., c. 65, repealed.

9. So much of the twenty-eighth section of "*The Northern Railway Company Act*, 1875," as excepts from the incorporation therewith sub-section twenty-one of section fourteen of "*The Railway Act*, 1868," shall be and the same is hereby repealed.

Sec. 58 of 38 V., c. 65, repealed.

10. The fifty-eighth section of "*The Northern Railway Company Act*, 1875," is hereby repealed and the following substituted in lieu thereof:—

New section substituted. What portions of the Railway Act of 1868 shall apply to the Company.

"**58.** The nineteenth, twentieth, twenty-first and twenty second sections, and the whole of part second of "*The Railway Act*, 1868," and also all Acts amending the same or any parts thereof, shall be incorporated herewith and shall apply to the Company; but the sections and parts of sections included in part first of the said Railway Act, and not herein expressly incorporated, shall be excepted from incorporation herewith, and shall not apply to the Company."

How far only the claims of the Dominion Government shall be affected by this Act.

11. Nothing in this Act contained shall in anywise affect the rank or priority of any claims now held by the Government of Canada against the said Northern Railway Company of Canada, except in so far and upon such terms and conditions as may be prescribed by any Act passed during this Session, which shall also declare the sum to be paid by the Company in satisfaction of certain sums due to the Government of Canada prior to the issue of the bonds mentioned in sections one and five of this Act.

Private shareholders and bondholders to vote separately at election of directors.

12. For and notwithstanding anything in any of the said recited Acts of Parliament or in any other Act of Parliament contained, the private shareholders of the said Company shall no longer be entitled to vote with the bondholders at the election of Directors of the said Company, but may hereafter by their exclusive vote, elect from amongst themselves one out of the ten Directors now chosen by

by the joint vote of themselves and the bondholders, and the bondholders shall elect the other nine by their exclusive vote,—the two corporations of Toronto and Simcoe continuing, nevertheless, to nominate each one Director as heretofore, so long as such corporations continue to be shareholders in the said Company.

13. The costs of and relating to this Act shall be paid out of the funds of the Company. Payment of costs.

14. This Act may be cited as "*The Northern Railway Company Act*, 1877." Short title.

CHAP. 58.

An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company.

[*Assented to 28th April*, 1877.]

WHEREAS the Montreal, Portland and Boston Railway Company have, by their petition, represented that they were incorporated by Act of the Legislature of the Province of Quebec, thirty-fifth Victoria, chapter twenty-nine, under the name of "The Montreal, Chambly and Sorel Railway Company;" that by Act of the Parliament of Canada, thirty-sixth Victoria, chapter eighty-seven, the said railway was declared to be a work for the general advantage of Canada, and thereby the right to legislate on matters connected with the said railway became vested in the Parliament of Canada; that afterwards, by Act of the Parliament of Canada, to wit, thirty-eighth Victoria, chapter seventy, the name of the said Montreal, Chambly and Sorel Railway Company was changed to "The Montreal, Portland and Boston Railway Company;" and whereas the said Company have prayed that the delay for the construction and completion of the said railway may be extended and their Acts of incorporation otherwise amended; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Act of Quebec, 35 V., c. 29. Acts of Canada, 36 V., c. 87; and 38 V., c. 70.

1. The work of the Montreal, Portland and Boston Railway Company is hereby declared to be a work for the general advantage of Canada. The work is for advantage of Canada.

2. The time for the completion of the railway of the said Company is extended to three years from the passing of this Act, and the Company is hereby relieved from the penalty or Time for completion of railway extended.

or forfeiture for the non-completion thereof at an earlier period, and from any penalty or forfeiture for the non-completion at any time of the portion of its line lying between Sorel and St. Johns, as specified and mentioned in the fifteenth section of the Act of the Legislature of the Province of Quebec, thirty-fifth Victoria, chapter twenty-nine.

Publication of notices of meetings.

3. It shall not be necessary hereafter to publish in any newspaper in the town of Sorel the notices of general meetings of the shareholders of the Company.

The railway shall be considered as under 31 V., c. 68.

4. The railway of which the construction and completion is authorized by this Act is and shall be held and deemed to be a railway to be constructed under the authority of a special Act passed by the Parliament of Canada, and the Montreal, Portland and Boston Railway Company, shall be held and deemed to be a company incorporated for the construction of such railway according to the true intent and meaning of "*The Railway Act*, 1868."

The said Act, and not the Quebec Railway Act to apply.

5. From and after the passing of this Act, parts first and second of "*The Railway Act*, 1868," shall apply to the whole line of the railway of the said Company by whatever name known, and to all the branches thereof, and to the said Company as incorporated and amalgamated for the construction thereof, as fully and effectually to all intents and purposes as the same apply to any railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and to any company incorporated by any such Act for the construction of any such railway; and no part or portion of the "*Quebec Railway Act*, 1869" shall apply to the said railway or to any part thereof, or to the said Company.

Certain Acts of Quebec shall be held to be special Acts for the purposes of the Railway Act, 1868.

6. From and after the passing of this Act, the Act passed by the Legislature of Quebec, in the thirty-second year of Her Majesty's reign, chapter fifty-nine, intituled "*An Act to incorporate the Missisquoi Junction Railway Company*," and the Acts passed by the same Legislature in the thirty-fifth year of Her Majesty's reign, chapter twenty-five, intituled "*An Act to amend the Act relating to the Missisquoi Junction Railway Company*," and chapter twenty-nine, intituled "*An Act to incorporate the Montreal, Chambly and Sorel Railway Company*," and the Act passed by the same Legislature in the thirty-sixth year of Her Majesty's reign, chapter forty-six, intituled "*An Act to amend the Act to incorporate the Montreal, Chambly and Sorel Railway Company*," and the Act passed by the same Legislature in the thirty-seventh year of Her Majesty's reign, chapter twenty-four, intituled "*An Act to amend the Act incorporating the Missisquoi Junction Railway Company, and also to amend the Act incorporating the Montreal, Chambly and Sorel Railway Company,*

Company, and to authorize the amalgamation of the said Companies and for other purposes," shall be held and deemed to be special Acts according to the true intent and meaning of "*The Railway Act*, 1868;" and part first of the said Act shall, so far as applicable to the undertaking, and except as expressly varied or excepted by the said special Acts, or either of them, be incorporated with the said special Acts, form part thereof, and be construed therewith as forming one Act; and no part of the "*Quebec Railway Act*, 1869," shall be incorporated with the said special Acts, or either of them, or form part thereof, or be construed therewith as forming one Act. **No part of Quebec Railway Act to apply.**

CHAP. 59.

An Act to change the name of the Saint Francis and Megantic International Railway Company to the International Railway Company, and for other purposes respecting the same.

[*Assented to 28th April*, 1877.]

WHEREAS the Saint Francis and Megantic International Railway Company have petitioned for an amendment to their Act of incorporation, as amended by an Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and further amended by an Act passed in the thirty-sixth year of the reign of Her Majesty, and further amended by an Act passed in the thirty-seventh year of the reign of Her Majesty, for the purpose of changing the name of the said Company, and of limiting the amount of bonds issued by the said Company under their Act of incorporation and its amendments, to a sum not exceeding thirteen thousand dollars per mile of their railway, including any branch or branches thereof; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble. 35 V., c. 70. 36 V., c. 85. 37 V., c. 72.**

1. The name of the said Company shall hereafter be "The International Railway Company." **Name changed.**

2. The amount of bonds issued and to be issued by the said Company, under their Act of incorporation and the amendments thereto, shall be and is hereby limited to a sum not exceeding thirteen thousand dollars per mile of the said railway, including any branch or branches thereof,—the said bonds to bear interest at a rate not exceeding seven per centum per annum. **Amount of bonds to be issued limited.**

CHAP.

CHAP. 60.

An Act concerning the Ottawa, Vaudreuil and Montreal Railway Company.

[*Assented to 28th April,* 1877.]

Preamble.

WHEREAS the Ottawa, Vaudreuil and Montreal Railway Company have, by their petition, represented that it has been found impracticable to construct that portion of their proposed line of railway, lying between West Hawkesbury and the City of Ottawa, within the time limited for that purpose, by the Act concerning the said Company, being thirty-fourth Victoria, chapter forty-six; and whereas the said Company by their petition have prayed for an extension of the time fixed for the construction of the said portion of their railway; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

34 V., c. 46.

Time for construction extended for five years, &c.

1. The time limited for the construction of that portion of the Ottawa, Vaudreuil and Montreal Railway, lying between West Hawkesbury and the City of Ottawa, is hereby extended for five years from the time of the passing of this Act, and from thence to the end of the then next ensuing session of Parliament, and all powers conferred upon the said Company by any Act affecting them shall continue to be enjoyed by them, and every provision conferring such powers shall continue in force notwithstanding the expiry of the term fixed for the construction of the said portion of their railway.

CHAP 61.

An Act to amend the "Coteau and Province Line Railway and Bridge Act."

[*Assented to 28th April,* 1877.]

Preamble.

WHEREAS the Coteau and Province Line Railway and Bridge Company have, by their petition, prayed that they may be permitted to change their present south-easterly terminus to some point adjacent to the north-easterly boundary of the State of New York, or the north-westerly boundary of the State of Vermont, crossing the River Richelieu at some convenient locality, or to the town of St. Johns, in the

the county of St. Johns, in the Province of Quebec, and have also requested an extension of time for the completion of the same; and it is expedient to grant the prayer of their petition:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in the Act incorporating the said Company, intituled an Act to incorporate the Coteau and Province Line Railway and Bridge Company, passed in the thirty-fifth year of Her Majesty's reign, chapter eighty-three, it shall and may be lawful to and for the said Coteau and Province Line Railway and Bridge Company to lay out, construct and finish their railway, by such course as they shall deem most expedient, to the town of St. Johns aforesaid, or to some point on the north-easterly boundary of the State of New York, or on the north-westerly boundary of the State of Vermont, crossing the River Richelieu at some convenient locality for bridging the same, subject to the provisions of the fifty-fifth section of "*The Railway Act*, 1868." Optional change of terminus of railway sanctioned. 35 V., c. 83.

2 The time specified in section nineteen of the said Act is hereby extended to eight years for the completion of the works of the said Company, from the passing of this Act. Extension of time for completing railway granted.

3. Notwithstanding anything contained in the said Act, it shall not be lawful for the said Company to construct any bridge or bridges across the navigable parts of the river St. Lawrence; but the Company shall and may, in connection with their railway, and for the purpose of carrying goods, freight, and passengers over the same, (but for no other purpose,) construct, maintain and employ steam ferry boats to be used and employed by them to ply across the navigable parts of the said river. Company not to build any bridge over the St. Lawrence, but may have a ferry.

CHAP. 62.

An Act to incorporate the St. Lawrence and Pacific Railway Ferry Company.

[*Assented to 28th April*, 1877.]

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated for the purpose of constructing and maintaining a railway viaduct and turnpike from the south shore of the St. Lawrence, in the Parish of Longueuil, *viâ* St. Helen's Island, to the western shore Preamble.

shore of Isle Ronde, and a steam ferry from thence to the north shore of the St. Lawrence; and whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The St. Lawrence and Pacific Railway Ferry Company is hereby declared to be a work for the general advantage of Canada.

Certain parts of the Railway Act, 1868, incorporated with this Act.

2. "*The Railway Act*, 1868," is hereby incorporated, except as hereinafter mentioned, with this Act and shall form part thereof, and the several provisions of "*The Railway Act*, 1868," applicable to a railway company and to a railway shall, except as varied by this Act, apply to the Company hereby incorporated, and to the viaduct and ferry hereby authorized to be constructed; Provided always, that the right of expropriation shall not extend to any property of the Government or of the Montreal Harbour Commissioners.

Certain persons incorporated.

3. Joseph Rosaire Thibaudeau, Robert James Reekie, Joseph Barsalou, Charles S. Watson, John Rankin and Joseph Perrault, of the City of Montreal, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company, are hereby constituted and declared to be a body corporate and politic by the name of "The St. Lawrence and Pacific Railway Ferry Company," and shall as such be invested with all the powers, which are incident to a similar corporation.

Corporate name and general powers.

Special powers of the company.

4. The Company shall have power to construct, maintain and work a railway viaduct and turnpike road from the south shore of the St. Lawrence, in the Parish of Longueuil, *viâ* St. Helen's Island, to the westerly shore of Isle Ronde, and a steam railway ferry from thence to the north shore of the St. Lawrence.

Capital.

5. The capital of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Provisional directors.

6. The said Joseph Rosaire Thibaudeau, Robert James Reekie, Joseph Barsalou, Charles S. Watson, John Rankin and Joseph Perrault, of the City of Montreal, are hereby constituted the Provisional Directors of the Company.

Their powers.

7. The Provisional Directors of the Company shall hold office as such until the first election of Directors under this Act, and shall have power and authority to open stock books and procure subscriptions of stock for the undertaking; and the said Provisional Directors may cause surveys and plans to

to be made and executed, and may acquire and make use of any plans and any surveys now existing, and may pay out of the said capital the preliminary and other expenses connected with the formation of the Company.

8. All shareholders in the Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal right to hold stock in the Company, and to vote on the same, and to be eligible to office in the Company. But the major part of the Directors of the Company shall, at all times, be persons resident in Canada and subjects of Her Majesty by birth or naturalization. All shareholders to have equal rights. Proviso.

9. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum *bonâ fide* paid thereon and deposited in one or more of the chartered banks of Canada, for the purposes of the Company, the Directors, or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, and in one newspaper in the City of Montreal published in English and in one newspaper in the said city published in French; at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned,—which Directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided; and any Provisional Director may vote by proxy and shall be eligible as a Director; and four shall be the quorum of the Board of Directors. First meeting of shareholders for election of directors.

10. Any railway company whose road now has or shall hereafter have a terminus or station at or near the City of Montreal, or shall connect with any railway having such terminus, or whose trains are or shall be run to the localities aforesaid, may, with the consent of the majority of the shareholders of its stock, subscribe to and become the owners of such stock in like manner and with like rights as individuals. And every such railway company so subscribing to the capital stock shall have the right to vote at the election of Directors, by the President or Vice-President of such railway company acting on its behalf, at any meeting held for such election; and the President or Vice-President of such company shall be eligible for election as a Director; Provided the railway company of which he is President or Vice-President is the owner of at least one hundred shares in the stock of the Company, and shall have paid up all calls made thereon. Certain railway companies may subscribe for stock. Right to vote. Proviso.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held on the second Wednesday of June in each year at the Annual general meeting.

City

Notice.

City of Montreal; and two weeks' previous notice thereof shall be given by publication, as provided in the ninth section or by by-law.

Qualification of directors

12. No person shall be elected a Director of the Company unless he shall be the holder of at least fifty shares in the stock of the Company and shall have paid up all calls made thereon and due when the election is held.

Calls on stock and liability of stockholders.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital, and no stockholder shall be liable for the debts or obligations of the Company beyond the unpaid amount of any stock held by him.

Borrowing powers of the company under s. 12 of 31 Vic., c. 68.

14. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act*, 1868," may be exercised by the Company in the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company, and countersigned by the secretary, and with or without coupons attached; and such bonds shall, without registration, or formal conveyance, or instrument of hypothec, mortgage or pledge, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the undertaking, and the real property, franchises, tolls and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro ratâ*, with all the other holders of bonds of the same issue, rank and priority, upon the said undertaking, and all and every the property of the Company hereinbefore mentioned; and such bonds may be sold and disposed of by the Company at their marketable value: Provided that the sanction of the shareholders, or a majority thereof, be first obtained at any special general meeting, called for carrying into effect the powers in this section contained; and provided also that the sum so borrowed shall not at any time exceed the amount to that time subscribed, and upon which at least ten per cent. has been paid up.

Bonds and bondholders.

Proviso.

Proviso.

Powers as to promissory notes and bills of exchange.

15. The Company shall have power to become partiet to promissory notes and bills of exchange for sums no less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed, by the President or Vice-President of the Company, and countersigned by the Secretary-Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President,

President, Vice-President or Secretary-Treasurer of the Company, so making, drawing, endorsing or accepting any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank. Proviso.

16. The Company shall not commence the said viaduct and ferry, or any work thereunto appertaining, until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said viaduct, ferry and works, shall have been complied with; nor shall any such plan be altered, nor any diversion therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose. Company's plans to be approved by Governor in Council before work is commenced.

17. Whenever it shall become necessary for the purpose of procuring sufficient land for stations or gravel pits, or other purposes, for constructing, maintaining and using the said viaduct, turnpike or ferry, to purchase more land than is required for such stations or gravel pits, or other purposes, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their undertaking, in such manner and for such purposes connected with the constructing, maintenance or use of the said viaduct, turnpike or ferry, as they may deem expedient; and may sell and convey the same, or parts thereof, when not required for use of the said viaduct, turnpike or ferry. Acquiring of land for gravel pits, &c.

18. It shall be lawful for the Company to enter into any agreement with any railway company or companies for leasing the said viaduct and ferry, or the use thereof, at any time or times, or for any period, to such railway company or companies; and for leasing or hiring from such companies or company any railway or part thereof, or the use thereof; or for leasing or hiring any locomotives, tenders, steam vessels or movable property; and generally to make any agreement or agreements with any such company or companies, touching the use by one or the other, or others, of the viaduct or railway, or railways, or movable property, or of all together, or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor: and any such railway company or companies may agree, subject to the consent of the shareholders of the said railway company or companies, in the same manner as is provided in section ten for the subscription of stock, for the loan of their credit, by direct guarantee or traffic contract, or otherwise Agreements for use of works. Other companies may lend their credit.

wise, to the Company, or may subscribe to or acquire the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof, in compliance with the said deeds; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges hereby conferred.

Equal rights of all railway companies to use the viaduct and ferry.

19. When the said railway viaduct, turnpike and ferry are completed and open to traffic, all trains of all railways terminating at or near the City of Montreal, now constructed or hereafter to be constructed, shall have the right to pass over the said viaduct and ferry, including the cars of any other railway company which may be brought over such railways, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway whose trains or business pass over the said viaduct.

Arbitration in case of disagreement.

20. In case of any disagreement, and as often as the same may arise, as to the rights of any railway, whose trains or business shall pass over the said work hereby authorized to be constructed, the same shall be determined by arbitrators, one to be appointed by the Company and the other by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by a Judge of the Superior Court of the Province of Quebec, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final; provided that the terms of the said award shall not be binding for a longer term than five years.

put up and tolls charged.

21. Whenever the said viaduct, turnpike and ferry are so completed as to admit of the passage of railway trains, the Company may erect such gates and fixtures to guard the entrance of such trains upon the viaduct, as the said Directors may deem proper, and may make such by-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said viaduct and ferry, its machinery, appurtenances and approaches, by railway companies, their trains and carriages, as well as by passengers on foot or on horseback, or in vehicles, and by vehicles of all kinds, and the tolls and charges therefor, as the Directors may think proper, subject to the sanction of the Governor in Council and subject to the provisions of section twelve of the said Act.

Tolls subject to s. 12 of 31 V., c. 68, and approval of Governor in Council.

Penalty for damage to gates, &c.

22. If any person or persons shall force, or attempt to force, any gate or guard of the said viaduct and ferry, or the

the approaches thereto, or if any person shall wilfully do or cause to be done, any act or acts whatsoever whereby the said viaduct and ferry, their lights, stations, steamboats, works, machinery, fixtures or other appurtenances, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company, with costs of suit, by any proper action for that purpose.

23. Nothing in this Act shall be held to affect or limit the powers of the Harbour Commissioners of the Port of Montreal nor the operation of their by-laws in respect of any vessel, property or works lying within the boundaries of the harbour as defined by law, nor prevent the collection of all lawful tolls and dues accruing therein. Act not to affect rights of Harbour Commissioners.

24. The work shall be commenced within two years, and completed within five years, from the coming into force of this Act; otherwise this Act and the charter hereby conferred shall become and be null and void and of no effect. Time for work limited. Forfeiture for non compliance.

CHAP. 63.

An Act respecting the Canada Southern Bridge Company.

[*Assented to 28th April,* 1877.]

WHEREAS by an Act of the Parliament of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter ninety-one, intituled "*An Act to incorporate the Detroit River Railway Bridge Company,*" certain persons were incorporated under the name of "The Detroit River Railway Bridge Company" with the power and subject to the provisions contained in the said Act and (amongst others) with power to unite and consolidate its stock, property and franchises with the stock, property and franchises of "The Detroit River Railroad and Bridge Company," a company incorporated by the laws of the State of Michigan for a similar purpose; And whereas the said "The Detroit River Railway Bridge Company" was authorized by the said Act to construct and work a railway bridge across the Detroit River, for railway purposes, from some point at or near the town of Amherstburg, in the County of Essex and Province of Ontario, towards the Island of Grosse Isle, in the State of Michigan, in the United States of America; And whereas, by a certain other Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, chapter eighty-nine, the name Preamble. 35 V., c. 91. 36 V., c. 89.

name of the said Company was changed to "The Detroit River Railway Bridge and Tunnel Company," and the Company was authorized at their option to construct and work a tunnel under the River Detroit for railway purposes instead of a railway bridge at the point mentioned in the first recited Act; And whereas by an agreement dated the twentieth day of August, one thousand eight hundred and seventy-three, between the said "The Detroit River Railway Bridge and Tunnel Company" and the said "The Detroit River Railroad and Bridge Company," and the proceedings prior to and consequent thereon. the said two companies became and are united and consolidated into one company and incorporated under the name of "The Canada Southern Bridge Company," with all the power and subject to the provisions of the said recited Acts; And whereas the Canada Southern Bridge Company immediately thereupon commenced the construction of certain of the works authorized under its corporate powers and has completed and for a period of three years has had in operation all the works consisting of lines of railway, railway bridges and appliances necessary for crossing the River Detroit at the point hereinbefore mentioned, towards and upon Grosse Isle and across the same and over the western channel of the River Detroit to the main shore of the State of Michigan, excepting the railway bridge or tunnel for the crossing of the main channel of the River Detroit from near the said town of Amherstburg towards Stoney Island, an island between Grosse Isle and the said main channel; And whereas the said Canada Southern Bridge Company has expended the sum of one million four hundred and fifty thousand dollars and upwards in the construction of the said works, and has raised a large part thereof by the sale of first mortgage bonds secured upon the said works and property of the Company; And whereas the present means, by a car ferry steamer, of transporting the traffic of the Canada Southern and other connecting railways across the main channel of the River Detroit at the part aforesaid are inadequate to such traffic and liable to interruption by ice and otherwise; And whereas it has been found that a tunnel under the said channel can be advantageously constructed. and the plans and specifications for such work have been prepared; and the Company have petitioned for an extension of the time limited for the completion of the said work, and for the continuance of all its corporate powers under the said recited Acts and agreement of union, except in so far as the same may authorize or imply any authority to construct or work any railway bridge across the said main channel of the River Detroit,—as to which bridge the Company is willing that any authority in respect thereof should be withdrawn: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canada Southern Bridge Company is hereby authorized to construct, maintain, work and manage a tunnel under the River Detroit from a point in the Township of Anderdon, in the County of Essex, at or near the town of Amherstburg, towards Grosse Isle in the State of Michigan, with all the rights and powers and subject to all the provisions and conditions contained in the said recited Acts or either of them, and subject also to the same rights and privileges of all railways and railway companies, desiring to use the said tunnel for their trains or traffic, as are enacted and secured by the said recited Acts or either of them to all railways and railway companies as to the use of a railway bridge for railway purposes, if the powers contained in the said Acts were exercised in the construction of such bridge. Power to construct a tunnel. Rights of railway companies saved.

2. Any power or authority to construct, maintain or work any railway bridge or other bridge across the main channel of the River Detroit, at the point aforesaid, under the said recited Acts, is hereby repealed; but such repeal is not to affect the said rights and powers for constructing the said tunnel. Power to construct a bridge across main channel repealed.

3. The works of the said tunnel shall be commenced in two years and be completed in six years from the passing of this Act. Time for completion limited.

CHAP. 64.

An Act respecting the Niagara Grand Island Bridge Company.

[*Assented to 28th April,* 1877.]

WHEREAS the Niagara Grand Island Bridge Company has, by its petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of its undertaking, and for other purposes; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The period limited by the Act incorporating the Niagara Grand Island Bridge Company, for the commencement and completion of its undertaking is hereby extended for the further period of three years, in each instance, from the passing of this Act. Time for commencement and completion extended.

CHAP.

CHAP. 65.

An Act to amend the Act to incorporate the Bridge Company of Rivière du Loup, in the County of Maskinongé.

[*Assented to* 28*th April*, 1877.]

Preamble. 22 V. (1859), c. 108.

WHEREAS it is expedient to amend the Act hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company released from duty of maintaining drawbridge.

1. The Act of the Legislature of the late Province of Canada, intituled, "*An Act to Incorporate the Bridge Company of Rivière du Loup in the County of Maskinongé, and to authorize the said Company to erect a Toll-Bridge over the Grande Rivière du Loup*," is hereby amended so as to release the said Company in the future from the duty of maintaining and keeping in order a drawbridge in connection with the said Bridge over the Rivière du Loup; and to that end all portions of the said amended Act, having reference exclusively to a drawbridge, are hereby repealed.

Plans must be approved by Minister of Public Works.

2. The plans of the bridge as proposed to be altered must first be submitted to and approved by the Minister of Public Works.

CHAP. 66.

An Act to authorize the Union Forwarding and Railway Company to reduce its paid-up capital.

[*Assented to* 28*th April*, 1877.]

Preamble.

WHEREAS the Union Forwarding and Railway Company have, by their petition, represented that their paid-up capital stock amounts to the sum of three hundred and five thousand, six hundred and fifty dollars, divided into shares of fifty dollars each, and that by reason of the depression in trade the value of the said stock has become reduced considerably below par; and that it is advisable for the shareholders to reduce the stock from its nominal to its actual value; and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. It shall be lawful for the shareholders of the said Company, at a special general meeting called for the purpose, of which not less than two weeks' notice in the *Canada Gazette*, and at least one newspaper published in the City of Ottawa, shall be given, by a by-law to be passed thereat, by a majority of shareholders present in person or represented by proxy of not less than two-thirds in value, to reduce the paid-up capital and the shares thereof by an amount not exceeding fifty per cent. thereof, respectively; and the capital and the shares thereof shall thereafter be reckoned at the amount to which they shall be so reduced, and new scrip or stock certificates shall thereupon be issued in accordance with such by-law, and in lieu of the former scrip or stock certificates, which shall be cancelled. **Capital and shares may be reduced; how and to what extent.**

2. Nothing in the foregoing section shall be taken to lessen or affect the powers heretofore conferred on the shareholders of the Company of increasing their capital by the subscription of new stock, from time to time, if they shall deem it advisable at any time hereafter to do so. **Power to increase stock not impaired.**

CHAP. 67.

An Act to incorporate the Pickering Harbour Company (Limited) and to authorize it to collect tolls.

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS the Pickering Harbour and Road Joint Stock Company was incorporated by an Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-one, and intituled "*An Act to incorporate the Pickering Harbour and Road Joint Stock Company;*" and whereas by an Act of the Legislature of the Province of Ontario passed in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, after reciting as is therein recited, it was enacted that the said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining, or attached thereto, and all tolls, rights, dues and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, should be, and the same were thereby in terms vested in the Honourable John Hillyard Cameron, late of the city of Toronto, his heirs and assigns, as therein mentioned; and it was also thereby further enacted that the said Honourable John Hillyard Cameron should have full power and authority in the name **Acts of Province of Canada, 16 V., c. 141, and of Ontario 35 V., c. 104 recited.**

name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls and the properties belonging thereto; and whereas doubts are alleged to have arisen as to the validity of the said last mentioned Act in so far as the same affects or deals with the said harbour and the tolls thereof; and whereas it appears by the petition of Joseph Harris McClellan of the Township of Pickering, in the County of Ontario, that the said Pickering Harbour and Road Joint Stock Company did under the authority of the seventeenth section of the Act first above referred to, borrow the sum of four thousand pounds from the said Honourable John Hillyard Cameron by mortgage of the said harbour, road and tolls, and that default having been made in the payment of the said sum of four thousand pounds and the interest thereon, the said Honourable John Hillyard Cameron foreclosed the said mortgage and entered into possession of the said Pickering harbour, road and tolls, and by himself and his tenants remained in possession thereof for upwards of nineteen years, and expended large sums in the maintenance and improvement of the said harbour; and that by an agreement in writing, and under his hand and seal, the said Honourable John Hillyard Cameron did, on the eleventh day of January, in the year of our Lord one thousand eight hundred and seventy-six, agree to sell to the said Joseph Harris McClellan the said harbour, road and tolls, at and for the sum of five thousand dollars, and that by deed bearing date the twelfth day of July in the year of our Lord one thousand eight hundred and seventy-six, and forming the schedule to this Act, the said Honourable John Hillyard Cameron did in the name of the said Pickering Harbour and Road Joint Stock Company, and for and in consideration of the sum of five thousand dollars, grant and convey the said harbour, road and tolls to the said Joseph Harris McClellan his heirs and assigns forever; and whereas it further appears by the said petition that the said sum of five thousand dollars was duly paid by the said Joseph Harris McClellan to the said Honourable John Hillyard Cameron in full of the said consideration money, and that the said deed was duly registered according to the laws of the Province of Ontario; and whereas the said Joseph Harris McClellan has prayed that an Act may be passed to confirm his title to the said harbour and tolls thereof, and to the rights and franchises of the said Pickering Harbour and Road Joint Stock Company; and whereas it is expedient to grant in part the prayer of the said petition as hereinafter contained: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of Ontario 35 V., c. 104, and deed thereunder, confirmed.

1. The Act passed by Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, and intituled "*An Act to amend the*



the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron," is hereby confirmed, so far as it affects the said tolls and harbour; and the deed purporting to be executed thereunder and forming the schedule to this Act is hereby legalized, confirmed and declared valid and operative to convey the said tolls and harbour.

2. The said Joseph Harris McClellan, and William McGill, and James Holden, together with such other persons as shall become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic by and under the name of the Pickering Harbour Company, (Limited), whereof the capital stock shall be forty thousand dollars, in shares of one hundred dollars each; and the said Joseph Harris McClellan, William McGill, and James Holden, shall be the first Directors of the said Company, and shall have power to open stock-books, and so soon as one half of the said stock shall have been subscribed, to call a meeting of the subscribers thereto for the election of five shareholders to be the Directors of the said Company; and the number of Directors shall continue to be five; and all the provisions of the "*Canada Joint Stock Companies' Clauses Act*, 1869," shall apply to the Company hereby incorporated, except so far as they may be inconsistent herewith, and except sections eighteen, forty and forty-three of the said Act.

Certain persons incorporated.

Corporate name. Capital.

Joint Stock Clauses Act to apply. Exceptions.

3 In the event of the said Pickering Harbour Company (Limited), purchasing from the said Joseph Harris McClellan the said harbour, road and tolls and the properties thereto belonging, the said The Pickering Harbour Company (Limited) shall have full power to operate the said harbour, and to charge the same tolls, and to enforce the collection thereof by the same means as the said Pickering Harbour and Road Joint Stock Company was authorized and empowered to do by its said Act of incorporation.

Powers of the Company if they purchase the rights of J. H. McClellan.

4. Upon and after such purchase by the said Pickering Harbour Company (Limited), of the said harbour and franchises as aforesaid, it shall and may be lawful for the Directors of the said Pickering Harbour Company (Limited) to issue bonds or debentures in the name and on behalf of the said Company, not exceeding in the aggregate twenty-five thousand dollars, which debentures shall be a first charge on the property, tolls and revenues of the said Company, and may be further secured by mortgage thereon; and the debentures so issued may be in sums of not less than one hundred dollars each, and bearing interest at a rate not exceeding eight per centum per annum, and payable at such times and places as the Company may determine.

Company may thereafter issue bonds and debentures.

 SCHEDULE.

SCHEDULE.

This Indenture, made the twelfth day of July, in the year of our Lord one thousand eight hundred and seventy-six, between the Pickering Harbour and Road Joint Stock Company of the first part, and Joseph Harris McClellan, of Oshawa, in the County of Ontario, Esquire, of the second part: Whereas, by an Act passed by the Legislature of Ontario, in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, intituled "*An Act to amend the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron,*" after reciting as therein recited, it was enacted as follows:—

1. The said Pickering harbour and road, and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues, and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, are hereby vested in the said John Hillyard Cameron, his heirs and assigns, and any persons whom he may associate with him, and may be by him and them exercised and enjoyed in the name of the Pickering Harbour and Road Joint Stock Company, or the President and Directors or the shareholders thereof, under the said Act, subject always to all the responsibilities and liabilities of the said Company, with respect to the said harbour trusts.

2. That the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall have full power and authority, in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls, and the properties thereto belonging, or any share or interest therein, or to mortgage or lease the same, and the grantees, mortgagees and lessees of the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall and may, by the corporate name aforesaid, exercise and enjoy all the rights and privileges granted or conferred by the said Act of incorporation, as fully and effectually, to all intents and purposes, as they may be exercised and enjoyed by the said John Hillyard Cameron, his heirs and assigns under this Act, subject to all the common law liabilities incident to the said corporation.

And whereas the said John Hillyard Cameron has agreed to sell to the party of the second part the said harbour, road and tolls, and the properties thereto belonging: Now this indenture witnesseth, that in consideration of the sum of five thousand dollars, paid at the time of the sealing and delivery of

of these presents, the said parties of the first part do grant and convey to the party of the second part, his heirs and assigns the said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues and claims belonging to or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, to have and to hold, to the said party of the second part, his heirs and assigns forever. The said parties of the first part covenant with the said party of the second part, that they will execute such further assurances of the said lands, franchises and properties as may be requisite ; and that the said party of the second part shall have quiet possession of the said properties, franchises and lands, free from all incumbrances ; and that the said parties of the first part have done no act to encumber the said lands, franchises and properties, and that the said parties of the first part release to the said party of the second part all their claims upon the said lands and properties.

In witness whereof the said parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered, in the presence of (Signed,) F. D. BARWICK.	(Signed.) The Pickering Harbour and Road Joint Stock Company, by J. HILLYARD CAMERON, President. [L.S.]

(Signed,) J. HILLYARD CAMERON. [L.S.]

CHAP. 68.

An Act to incorporate the Union Atlantic Cable Company.

[Assented to 28th April, 1877.]

WHEREAS Edward Alexander Prentice, Harrison Stephens, the Honourable John Hamilton (Inkerman), Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, of Canada, and the Honourable John R. D. Tollemache, of No. 8 St. James' Square, London, England, have by their petition prayed that an Act of incorporation may be granted to them for the purpose of establishing telegraphic communication between the Dominion of Canada and the United Kingdom, and Preamble.

and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Edward Alexander Prentice, Harrison Stephens, the Honourable John Hamilton (Inkerman), Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, Honourable John R. D. Tollemache, and their associates, and all other persons who may hereafter become holders of the stock hereinafter mentioned are hereby constituted a body politic and corporate by the name of the Union Atlantic Cable Company, for the purpose of establishing telegraphic communication between some point on the Atlantic coast of North America, or on the coast of the Gulf of St. Lawrence, in Nova Scotia or New Brunswick, or in the Province of Quebec, as may be found most suitable, and some point on the coast of Great Britain or Ireland, and for the purpose of establishing branches thereof in Canada and elsewhere; and the said Company may make, adopt and use a corporate seal, may sue and be sued, and may do every other act and thing whatsoever which may reasonably come within the scope, purposes and objects contemplated by this Act, and may acquire and hold such land and beach as may be requisite for their actual use and occupation for stations, offices and construction purposes.

Corporate name and powers.

Land or submarine telegraph may be constructed.

2. The said Company may also establish, purchase, hire, keep in order and work any line or lines of telegraph in the Gulf or River of St. Lawrence (with power to touch and land should a subaqueous and submarine line be adopted or be partly so) or between any two or more points therein, or between any points therein and any islands; and the said Company shall have full power to construct such inland telegraph lines as may be necessary to enable them to make such connection with the line of any telegraph company or companies, and any such arrangement for working the same as to the said Company or its Directors shall appear fitting, and for that purpose may acquire and hold property and right of way through any such territory as may be traversed by such connecting lines: Provided always, that the said Company shall not amalgamate with or participate in the profits of any other Company or association formed, or to be formed, for the purposes of establishing telegraphic communication between North America and the United Kingdom or the continent of Europe, which are in the enjoyment of any special or exclusive privileges granted by any state or government, nor make any working arrangements with the same.

Company may connect with other lines.

Proviso: but not amalgamate.

May lease lines of telegraph, and

3. The said Company shall have power and authority to purchase or lease for any term of years any telegraphic line established

established or to be established either in Canada or in any other British possession, or in the territory or territories of any foreign power or state connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such line, and shall also have power and authority to amalgamate with or lease its lines or cable or cables to, or by working agreements, or otherwise, participate in the profits of any telegraph or cable company or companies on the continent of North America not having any special or exclusive privileges granted by any State or Government. make arrangements with any company not having exclusive privileges.

4. The capital stock of the said Company shall be one million two hundred and fifty thousand pounds sterling, divided into shares of ten pounds each; and the said capital may be increased from time to time by resolution of the Board of Directors, by and with the consent of the majority in value of the shareholders having a right to vote, as hereinafter enacted, but such capital stock shall at no time be made to exceed the sum of two millions five hundred thousand pounds sterling: Provided always, that it shall be lawful for the said Board of Directors, prior to the taking and receiving of subscriptions to the said capital stock, to convert the said shares into shares of any other amount in sterling or currency of Canada or the United States; And provided also, that it shall be lawful for the said Company to issue certificates of stock in sterling or currency of Canada or the United States. Capital stock and shares. Proviso: Proviso.

5. The said Company may borrow such sums of money, not exceeding in all the actual amount of the paid-up capital stock of the Company, and may issue such bonds therefor in such amounts, not being less than one hundred pounds sterling, and made payable at such times and places, and bearing such interest and secured in such manner (by mortgage or otherwise) as the said Company may deem expedient and proper for carrying out the purposes of this Act. Borrowing powers of the Company.

6. Edward Alexander Prentice, Harrison Stephens, the Honourable John Hamilton (Inkerman), Senator, Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, of Canada, and the Honourable John R. D. Tollemache of No 8 St. James' Square, London, England, are hereby constituted a provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected as hereinafter provided; and in the event of any one or more of the said provisional Directors dying before the election of other Directors, the survivors shall constitute the said provisional Board; provisional Directors may hold proxies from absent Directors and may vote thereon. Provisional Board of Directors.

7.



Directors and their qualification.

7. The business of the Company shall be managed by a Board of Directors to consist of nine members; each such Director shall be the proprietor of at least five hundred pounds sterling of stock in the capital of the Company, or its equivalent in the currency of Canada or the United States; and the Directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders and their liability.

8. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him, and remaining unpaid, for any debt contracted by the Company.

First meeting of shareholders.

9. So soon as ten per centum of the said capital stock shall have been subscribed and ten per centum thereon paid up, the said provisional Directors or a majority of them, may call a meeting of shareholders at either of the cities of Quebec, Montreal, Toronto or Ottawa in Canada, or at the City of London, in England, or elsewhere, as the said provisional Directors may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, Toronto, and London, as well as in the place where the meeting is to be held, if not one of those three cities; and at the said general meeting the shareholders present in person or represented by proxy shall elect nine persons to form and constitute a Board of Directors of the said Company.

Election of Directors.

President and officers of the Company.

10. The Directors shall appoint one of their number to act as President or Chairman, and another to act as Vice-President or Deputy Chairman, and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President, or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Quorum.

Casting vote.

Stock books may be opened.

11. The Directors of the said Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom and elsewhere as they shall think fit, and may make such shares payable in such manner as they shall see fit, and further, may issue shares for stock subscribed in England or elsewhere in such amounts respectively of sterling money of the United Kingdom or of currency of Canada or of the United States as to the Directors shall

shall, from time to time, seem fit (as provided in section four), and may make the dividends payable thereon in like sterling money or currency of Canada or the United States, in England and elsewhere, at such place or places as to such Directors shall, from time to time, seem fit; and from time to time may appoint agents of the said Company, in England or elsewhere, and may delegate to them such powers as to the Directors of the said Company shall, from time to time, seem fit, and may make such rules and regulations as to the Directors of the said Company shall, from time to time, seem fit as to the issuing of such shares in England or elsewhere, and as to the mode, time, place, or places of the transfer of such shares, and as to the mode, time, place or places of paying the dividends from time to time accruing thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere. Appointment of agents.

12. The said Directors shall hold office until replaced at general meetings of the shareholders of the said Company called for that purpose,—in manner following, that is to say,—three Directors shall retire in each year by rotation, but every retiring Director shall be eligible for re-election; and at all the meetings of the said Company each share shall entitle the holder to one vote, which may be given either in person or by proxy: Provided always, that no shareholder shall be entitled to vote thereat who does not hold stock to an amount equal to one hundred pounds sterling or its equivalent in any other currency, and whose name shall not have been duly registered in the stock books of the Company at least three calendar months before such general meeting is held. Term of office of Directors. Proviso, as to votes.

13. On the first Monday of the month of July in every year after the first general meeting, there shall be held a general meeting for the election of the Board of Directors, and for the transaction of business generally, at any one of the cities of Montreal, Toronto, Ottawa or Quebec, in Canada, or elsewhere, as may be appointed by the Directors for that purpose; and previous notice of every such meeting shall be given in the manner provided in the ninth section of this Act. Annual general meeting.

14. The Board of Directors may, from time to time, appoint local honorary Directors in any one or more of the cities hereinabove named, or in any other city or place either in British territory or in the territory of any foreign power or State; Provided always, that such honorary local Directors shall be duly registered shareholders of the Company. Local Board of Directors. Proviso.

. Whenever one or more members of the Board of Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or of the persons so dying or resigning. Vacancies how filled.

16.

Regulations and by-laws.

16. The said Board of Directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally, which shall remain in force until the same are submitted to the next general meeting of the shareholders, and shall thereafter have force only as approved or amended by them.

Calls on shares.

17. The Directors may require payments of subscription to the said capital stock at such times and in such proportions as they may deem proper, under the penalty of forfeiture of all such stock and previous payments thereon after thirty days' notice given to each shareholder by notice addressed to him in a registered letter; and the said Company may sue for and recover all such subscriptions: notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in two of the daily newspapers published in the City of Montreal, and in such other newspapers published in England, or elsewhere, as the Directors may think proper.

Notice.

Shares to be personal estate.

18. All and every the shares in the capital stock of the said corporation, and all profits and advantages thereof shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; And provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said corporation.

Proviso.

Proviso.

Ten per cent. to be paid on subscription.

19. No subscription of stock in the said capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within five days after subscription, into one or more of the banks of Canada or of the United Kingdom or the United States, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such undertaking or for the return of deposits on rejected subscriptions, or upon the dissolution of the Company, from any cause whatever; and the said Board of Directors, or a majority thereof, may, in their discretion, within five days after any such subscriptions have been recorded, refuse to accept the subscriptions of any persons who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act.

Certain subscriptions may be refused.

20. It shall be the duty of the Directors to make semi-annual or quarterly dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable: and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Company; and such statements shall appear on the books, and be open for the perusal of any stockholder, upon request, at least one month before the general meetings of the Company.

Dividends.

Statement of affairs.

21. The Company is hereby invested with all the powers and privileges conferred, and made subject to all the conditions imposed upon telegraph companies, by the Act of the late Province of Canada, being chapter sixty-seven of the Consolidated Statutes thereof, intituled "*An Act respecting Telegraph Companies;*" and the powers conferred by this Act shall be exercised subject to the terms and conditions of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to regulate the construction and maintenance of Marine Electric Telegraphs.*"

Company to have the powers given by c. 67 of Con. Stat. Can., subject to 38 V., c. 26.

22. The works of the Company shall be commenced within two years and completed within four years from the passing of this Act, otherwise this Act shall be null and void.

Time for construction limited.

CHAP. 69.

An Act to revive and amend the Act incorporating the Canada Atlantic Cable Company.

[*Assented to 28th April*, 1877.]

WHEREAS the Canada Atlantic Cable Company have, by their petition, represented that, though they have been as yet unable to proceed with the undertaking authorized by their Act of incorporation, they have made arrangements enabling them to do so, provided the time allowed them be extended, and certain other amendments made, and have prayed for an Act extending the said period and amending the said Act, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The provisional Board of Directors created by the said Act is hereby reduced to eight, by omitting therefrom Sir Francis Hincks, Henry Labouchere, J Staniforth and Fred-erick

Provisional Board reduced in number.

erick Alers Hankey; but the said provisional Board of Directors shall, however, have power to again increase the Board to a number not exceeding fifteen; and of the provisional Directors of the said Company five shall form a quorum.

Connection with land telegraph system.

2. The said Company shall have power to connect the Atlantic cable and cables which are contemplated by the said Act, with the internal telegraphic system of the Dominion; and for that purpose may construct a line of telegraph connecting such cables with such system, either by means of submarine cables through the Gulf of St. Lawrence, or by means of land telegraph lines, or both; and for that purpose may acquire and hold property, and right of way throughout any portion of the Dominion of Canada which may be traversed by such connecting lines: Provided that all the powers conferred by this Act shall be exercised subject to the terms and conditions of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to regulate the construction and maintenance of Marine Electric Telegraphs*," and all the powers and rights conferred by the Act cited in the preamble of this Act are hereby revived and continued save as they may be herein varied.

Proviso; subject to 38 V., c. 26.

Powers of Company revived.

Company may exercise certain powers.

3. For the purpose of acquiring such property and right of way, the said Company is hereby invested with all the powers and privileges conferred, and made subject to all the conditions imposed upon telegraph companies, by the Act of the late Province of Canada, being chapter sixty-seven of the Consolidated Statutes thereof, intituled "*An Act respecting Telegraph Companies.*" And the Company may make such arrangements with any telegraph company in the Dominion or in the United States of America, for working the internal line of telegraph, or for acquiring internal connections, as to the Directors thereof may seem expedient.

Con. Stat. Can. c. 67.

Capital stock and increase.

4. The capital of the Company shall be one million pounds sterling, and shall be divided into shares of twenty pounds each; and such capital may be increased, in manner provided by the said Act, to the extent of, in all, one million five hundred thousand pounds sterling; and the borrowing powers of the said Company are hereby increased to such sum as shall not exceed the actual *bonâ fide* subscribed capital of the Company; nothing herein contained shall be held to repeal any of the provisions of the said Act cited in the preamble of this Act as regards the amount of capital stock to be subscribed and paid up before the first meeting of the shareholders may be called.

Borrowing powers.

Certain provisions to continue in force.

First meeting of the Company.

5. The first meeting of the said Company shall be held, either at the City of Montreal, in Canada, or at the City of London, in England, and the chief place of business of the Company

Company shall be at the City of Montreal, subject, however, to be changed by the shareholders at any general meeting called for the purpose.

6. The Directors of the Company shall be fifteen in number; but the Company shall have power to reduce the same by by-law to any number not less than seven. **Number of Directors.**

7. The time for commencing the works of the Company is hereby extended to three years, and for completing the same, to six years from the passing of this Act. **Time for work extended.**

CHAP. 70.

An Act to authorize the "Royal Canadian Insurance Company" to reduce its capital stock, and for other purposes.

[*Assented to 28th April*, 1877.]

WHEREAS "The Royal Canadian Insurance Company" hath, by its petition, prayed to be allowed to reduce its capital stock and to make special assessments on its stock, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. From and after the passing of this Act, it shall be lawful for the Directors of the said Company with the consent of the majority in value of the shareholders of the said Company present or represented by proxy at a meeting of such shareholders, specially convened for that purpose, to reduce the subscribed capital of the said Company from its present amount of six million dollars, to such amount not less than two million dollars, as the said Directors and shareholders may determine, in such wise, that each share shall continue to be of the sum of one hundred dollars; and shall be also empowered with the like consent, to reduce the portion of the capital stock of the said Company, which was paid upon the twelfth day of February, one thousand eight hundred and seventy-seven, to such extent not exceeding one-half thereof as they may determine. **Capital stock may be reduced; how and to what amount.**

2. Until all the policies granted by the said Company shall have expired, or shall have been exchanged for policies based on the said reduced capital, the action of the said Directors and shareholders with regard to the said reduction **Existing policies not affected.**

tion of capital, shall remain suspended, so far as the unpaid portion only of such capital is concerned; but, so soon as all such policies shall have expired, or shall have been so exchanged, as aforesaid, the whole of the said capital stock shall be reduced to all intents and purposes whatsoever to the extent so agreed upon and determined by the said Directors and shareholders.

Special assessment may be made.

3. It shall be lawful also for the said Directors, from time to time, and with the consent of the majority in value of the said shareholders, at any meeting of the said shareholders specially convened for that purpose, to make a special assessment on each share of the capital stock of the said Company independent of and in addition to all ordinary calls, to be held and retained as a special or reserved fund and to provide how, where and in what manner such special assessment shall become due and payable: Provided that such assessments and calls shall not in the aggregate exceed one hundred dollars per share.

A certain call may be converted into assessment.

4. It shall also be lawful for the Directors of the said Company by and with the consent of the shareholders of the said Company at any meeting specially called for that purpose, to convert the call of five per cent. which has been made payable on the capital stock of the said Company on the fifteenth day of May, one thousand eight hundred and seventy-seven, into a special assessment, such as provided in the next preceding section, and to treat such call to all intents and purposes as a special assessment as aforesaid.

CHAP. 71.

An Act further to amend the Act to incorporate the Canada Mutual Marine Insurance Company.

[*Assented to 28th April*, 1877.]

Preamble.
36 V., c. 100.

WHEREAS George McKean, James Domville, M.P., and Adolphe P. Caron, M.P., appointed with others, Commissioners for the organization of the Canada Mutual Marine Insurance Company, by the Act incorporating the said Company, (thirty-sixth Victoria, chapter one hundred,) have, by their petition, represented that it is necessary, in order to enable the Company to proceed with their operations, that their said Act of incorporation should be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. Section five of the said Act is hereby amended by striking out the names of Hon. A. J. Smith, Robert Marshall and John Crawford, where they occur in the said section, and inserting the names of A. L. Palmer, J. S. Boies DeVeber, and Z. Ring in lieu thereof; and the three persons last mentioned shall, with the remaining Commissioners appointed by the said Act, constitute the Board of Commissioners for the organization of the Company, with all the powers and duties conferred and imposed upon such Commissioners by the said Act and by this Act.

Sect. 5 amended.

New Commissioners appointed.

2. For the organization of the Company, the Commissioners may, before receiving any application for insurance, proceed to raise the guarantee fund, provided for by section eighteen of the said Act as amended by section three of the Act thirty-seventh Victoria, chapter ninety-two; and for the purposes of the said section so amended, the Commissioners are, until the Board of Trustees are duly elected in accordance with the provisions of the said first cited Act, substituted for the said Board of Trustees; and so soon as the said guarantee fund shall have been subscribed and the required amount paid up thereupon, the Commissioners may proceed to the organization of the Company in the manner provided for in the fifth and sixth sections of the said first cited Act.

Powers of Commissioners as to guarantee fund. 37 V., c. 92, s. 3.

3. The said Company shall have power at any annual general meeting to increase the said guarantee fund to any amount not exceeding in the whole the sum of four hundred thousand dollars, and such increase shall be subject to the like provisions and incidents as the original amount of the said fund.

Guarantee fund may be increased.

CHAP. 72.

An Act respecting the Beaver and Toronto Mutual Fire Insurance Company.

[*Assented to 28th April*, 1877.]

WHEREAS by an Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine Business,*" it is provided that certain insurance companies therein mentioned or referred to, should not accept any risk, or issue any policy of fire or inland marine insurance, or receive any premium, or transact any business of fire or inland marine insurance in

Preamble.

38 V., c. 20

Case of the company stated.

in Canada, or prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency, relating to such business, without obtaining a license, as provided for in the said Act, from the Minister of Finance, to carry on business in Canada; and whereas it was not supposed that the said "The Beaver and Toronto Mutual Fire Insurance Company," was affected by the provisions of the said Act; and in ignorance that they were so affected, the said "The Beaver and Toronto Mutual Fire Insurance Company" have continued to carry on business in Canada without complying with the terms of the said Act; and it is expedient that the said "The Beaver and Toronto Mutual Fire Insurance Company" should be relieved from all penalties which they may have incurred by reason of their non-compliance with the terms of the said Act, and by reason of their having transacted business without compliance with the terms of the said Act; and whereas the said Company, under the requirements of the said Act, have now ceased to carry on any business whatever, and it is expedient that they should be authorized and permitted to proceed with their business for the purpose of winding up their affairs; and whereas it is also expedient to give the said Company an option to change their name and become a stock company instead of winding up: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Company and Directors not liable for contravention of the said Act before 1st Feb., 1877.

1. The said "The Beaver and Toronto Mutual Fire Insurance Company," and its Directors, stock-holders, and policy-holders and agents, shall not, nor shall any person be liable, in any way, for any penalty, forfeiture or otherwise, which they may have incurred by reason of having carried on business without compliance with the terms of the said Act, or by reason of anything done by them, or any of them, in contravention of the said Act, or any of the provisions thereof before the first day of February, one thousand eight hundred and seventy-seven; and all policies issued, contracts entered into, and acts done by the said Company prior to the said date, and otherwise legal, shall be valid and binding; and all premium notes which have been taken by the said Company prior to the said date shall be valid, and may be collected by the said Company,—anything in the said Act to the contrary notwithstanding.

Policies then issued to be valid, &c.

Company may borrow money for making deposit under the Act.

2. It shall be lawful for the Company, in order to enable it to make the deposit required by the said Act, to borrow from any persons or corporations all or any portion of the amount of money required in order to make up the amount of such deposit; and to issue to the lender or lenders the debentures or promissory notes of the Company for the amounts respectively lent to the Company for the purpose aforesaid.

3

3. Within one month after the passing of this Act, the Directors of the said Company shall call a meeting of the guarantee stockholders thereof, by advertisement, to be advertised in a newspaper published in the City of Toronto, ten days at least before the day fixed for the holding of the said meeting, to be held before the expiration of two months after the passing of this Act, for the purpose of considering and deciding whether the affairs of the said Company shall be wound up, or whether the said Company shall be changed into a stock company as hereinafter provided. Meeting to be called of guarantee stockholders.

4. In the event of its being decided at the said meeting or any adjournment thereof to wind up the affairs of the said Company, it shall and may be lawful for the said Company to wind up its business without complying with any of the provisions of the said Act; and all premium notes which have been taken by the said Company, prior to the first day of February, one thousand eight hundred and seventy-seven, shall be valid, and the same may be collected by the said Company and the proceeds applied to the payment of their liabilities, including all losses by fire incurred upon valid and subsisting policies prior to the passing of this Act; and everything necessary to a complete winding up of the affairs of the said Company may be done and effected. Provisions if it be decided to wind up the business.

5. In the event of the said Company so winding up its business as aforesaid, it shall be the duty of the said Company to reinsure in some duly licensed fire insurance company in Canada all their valid and subsisting policies for the unexpired portion of the period which they have respectively to run, and the money required for the purpose of effecting such reinsurance shall be collectible upon the premium notes held by the Company in addition to the sums necessary to pay off the other liabilities of the said Company. Duty of the Company to reinsure in such case.

6. In the event of its being deemed desirable by a majority of the guarantee stockholders of the said, "The Beaver and Toronto Mutual Fire Insurance Company," at a meeting called for the purpose, to change the said Company from a mutual company to an ordinary stock company, it shall be lawful for the Directors of the said Company at once to proceed to take subscriptions for stock; and as soon as the sum of two hundred thousand dollars shall have been subscribed, and twenty-five per centum thereof shall have been paid in, the said Company shall be changed into an ordinary stock insurance company under the corporate name of "The Commercial Fire Insurance Company of Canada," hereinafter called "the Company," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure; and may sue and be sued, contract and be contracted with in the said corporate name. If it be decided to change the Company from a mutual to an ordinary stock company New names in such case. Powers.

To be liable for debts, &c., of old Company.

7. The said Company, under the name of "The Commercial Fire Insurance Company of Canada," shall be liable for all the debts, and responsible for all the contracts of the said "The Beaver and Toronto Mutual Fire Insurance Company," and shall be entitled to all the assets and to the benefits of all contracts, and may collect all claims of the said "The Beaver and Toronto Mutual Fire Insurance Company."

Powers of Company for insurance against loss by fire.

8. The said "The Commercial Fire Insurance Company of Canada" shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, on any houses, stores or other buildings whatsoever, and in like manner, on any goods, chattels or personal estate whatsoever, for such times and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained for or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance and to reinsure such risks, and to do all other necessary matters connected with those objects, and shall have all the powers heretofore possessed by the said "The Beaver and Toronto Mutual Fire Insurance Company," except such of the said powers as are applicable to purely mutual companies, or otherwise inconsistent with this Act.

Capital of the new Company.

As to former guarantee stock.

9 The capital stock of the said "The Commercial Fire Insurance Company of Canada" shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and all guarantee stock subscribed under the provisions of the Acts respecting mutual insurance companies, or any of them, or of any Act authorizing the said "The Beaver and Toronto Mutual Fire Insurance Company" to raise guarantee stock shall be considered as subscriptions made on account of the said ordinary capital stock, and all payments heretofore or hereafter made on account of such guarantee stock shall be considered to be made on account of ordinary capital stock; and the said guarantee stock and all payments made thereon shall form part of the said two hundred thousand dollars subscription and twenty-five per centum payment thereon required to be made in section six of this Act, and shall be good *pro tanto* as subscription and payment according to the terms of the said section.

Transfer of shares.

10. The shares of the Company shall be transferable by the parties holding the same, according to the by-laws or rules of the Company, but no share shall be transferred until all calls thereon are paid; and the transmission of interest in any share of the stock of the Company in consequence of the marriage, insolvency or death of the shareholder, or by any other means than by ordinary transfer, shall be proved and regulated in such form as the Board of Directors may from

from time to time direct; and in any action for the recovery of calls or arrears of calls, it shall be sufficient for the Company to allege and prove that the defendant being an owner of shares therein according to the books of the Company, is indebted to the Company in respect of so many shares in the sums due; and at the trial it shall only be necessary to prove that the defendant was owner of shares, and that the call was made according to the by-laws or rules of the Company; and none of the persons or bodies corporate who may become stockholders in the said Company shall be liable for any further sum than the amount unpaid upon the stock subscribed for or held by them. Recovery of calls. Liability of stockholders limited.

11. The Company may hold such real estate as is required for offices, and such other estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided, that all such last mentioned real estate shall be sold within ten years from the time of its becoming the absolute property of the Company: and the Company shall have power to borrow money on the security of its debentures to an amount not exceeding the paid-up amount of its capital stock. Provision as to real estate. Proviso. Borrowing powers.

12. The Directors of the said "The Beaver and Toronto Mutual Insurance Company" now appointed shall continue to be and act as Directors of the Company, when changed into a Stock Company, until a re-election of Directors shall take place under this Act; but the said Directors shall be eligible for re-election, and the number of Directors shall continue to be twelve until at a general meeting of the shareholders their number be increased or decreased,—but their number shall not be more than fifteen nor less than five. Directors to continue until new election. To be re-eligible. Number.

13. The Board of Directors shall have power to make calls for such sums or amounts, and at such times, upon the shares of the respective shareholders as they may deem requisite for the purposes and interests of the Company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may re-issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the Board from time to time as they occur; to appoint officers and agents, and to fix the remuneration and term of office, and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the Company; but no contract shall be valid unless made under the seal of the Cmopany, and signed by the President or Vice-President or one of the Directors, and countersigned by the Manager, except the interim receipt of the Company, Power to make calls and declare shares forfeited for non-payment. Other powers of Directors. Contracts.

which shall be binding upon the Company on such conditions as may be thereon printed by direction of the Board: at all meetings of the Directors three members of the Board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President, or presiding Director shall give the casting vote in addition to his vote as a Director: the Directors may also appoint honorary Directors or local Directors in any city or town in which the Company transacts business, with such duties, power and remuneration as they may deem proper for the supervision of the business of the Company in such places; but no person shall be qualified to be elected a Director unless he holds ten shares, nor as local Director unless he holds five shares in the stock of the Company, whereon the calls made shall have been paid.

Votes at meetings of Directors.

Honorary Directors.

Qualification of Directors.

Yearly statement of affairs.

Annual meeting.

Notice of meeting.

14. Until otherwise determined by the Board, the books shall be annually balanced, as at the thirty-first day of December: once in each year, and within three months from the first day of January a general meeting of shareholders shall be called by the Board, at which a full statement of the Company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper published in Toronto.

Votes of shareholders at general meetings.

As to failure of election.

Corporations holding stock, how represented.

Paying President, &c.

15. At such general meeting shareholders shall have one vote for each share on which all calls are paid, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint Directors by ballot, unless the election is unanimous, but all other proceedings shall be determined by open vote: but the Company shall not be dissolved by failure to elect Directors as above; corporations holding stock in the Company may be represented at such meetings by their chief executive officers (one for every ten shares held), and such officers may be appointed Directors although they themselves hold no stock in the Company; and the shareholders shall decide the remuneration to be paid to the Directors and the President and Vice-President.

Special meetings of shareholders. Notice.

Lists of shareholders.

16. Special meetings of the shareholders may be called by the Directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail; lists of the shareholders shall be at all times accessible to any of them.

CHAP. 73.

An Act to incorporate the Union Marine Insurance Company of Halifax, Nova Scotia.

[*Assented to 28th April*, 1877.]

WHEREAS William Roche, James A. Moren, John U. Ross, John Gibson, Nathaniel L. West, John P. Mott, and Edward Smith, on behalf of themselves and other shareholders in the Company hereinafter named, incorporated under an Act of the Legislature of the Province of Nova Scotia, passed in the first Session thereof, held in the first year of Her present Majesty's reign, have by their petition represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of "The Union Marine Insurance Company of Halifax, Nova Scotia," for the purpose of carrying on the business of marine insurance and doing all things appertaining thereto or connected therewith, as well in the Province of Nova Scotia, where they are now carrying on such insurance business, as in other Provinces of the Dominion and in foreign countries, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The shareholders of the Union Marine Insurance Company of Nova Scotia, incorporated by an Act of the Legislature of the Province of Nova Scotia, passed in the first Session thereof, held in the first year of Her present Majesty's reign, and chaptered three, together with such other persons as are now or may hereafter become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate in law, in fact and in name, by the style and title of "The Union Marine Insurance Company of Halifax, Nova Scotia," for the purpose of carrying on the business of marine insurance, and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights hereinafter mentioned, and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter or thing concerning the said Company heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company, heretofore incorporated, at the time of the passing of this Act; **Company incorporated.** **Corporate name and powers.** **Proviso: as to existing contracts.**

Act; but every such action, suit or proceeding may at the option of the claimant be carried on by or against the Company hereby incorporated, which is in such case for all the purposes thereof substituted for the said Company heretofore incorporated; and provided also, that all the shareholders in the said Company heretofore incorporated shall be shareholders in the Company hereby incorporated, and liable, as such shareholders, for so much of their stock subscriptions as are unpaid, and that all such subscriptions and all other property, real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Company heretofore incorporated, and all their interest in the same, shall be held by and are hereby vested in the said Union Marine Insurance Company of Halifax, Nova Scotia, hereby incorporated, in the same manner, and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the policies and other contracts of insurance and other engagements made and entered into by or on behalf of the said Company heretofore incorporated, shall continue to be valid and binding under this Act as against the Company hereby incorporated; and any person having any claim or demand against the said Company heretofore incorporated, or any shareholder thereof, as such shareholder, shall have the same claim or demand against the Company hereby incorporated and against such shareholder thereof.

Proviso: as to shareholders' rights and claims.

Policies, contracts and claims to continue in force.

Capital stock and shares.

2. The capital stock of the said Company shall consist of one hundred and sixty thousand dollars, divided into sixteen hundred shares of one hundred dollars each, which said shares shall be, and are hereby, vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always, that the paid-up and unimpaired capital of the Company shall never be less than fifty thousand dollars. Aliens, as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company.

Never to be less than $50,000.
Equal rights of shareholders.

Payment of calls.

3. All calls or instalments on account of the shares shall be paid by the several shareholders at such time and in such equal proportions as the Directors shall appoint; and notice of the times and places of paying such calls shall be given by them by advertisement in at least two of the Halifax newspapers, thirty days at least previous to the time of payment; and every subscriber to or shareholder in the said Company shall make, execute and deliver to the said Company either a bond with a mortgage, to accompany the same, on real estate, or otherwise a bond with two sufficient sureties to the satisfaction of the said President and Directors, or a majority of them,—and which said bond and securities shall be renewable as often as the President and Directors

Security for payment of future calls.

Directors shall require, and be conditioned for the payment of the residue of the calls to become due and payable, on the several shares by such shareholder subscribed and taken in the said Company.

4. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale, by the Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what are deemed necessary to pay such arrears, interest and expenses.

Forfeiture of shares for non-payment of calls.

Proviso: if they sell for more than amount due.

5. If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears of calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company certified to be a true copy or extract under the hand of the President, or Managing Director, or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Payment to annul forfeiture.

Proof required in suits for arrears.

Certain copies of by-laws, &c., to be evidence.

6. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided

Transfers not valid until entered.

Proviso: arrears must be first paid up.

Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Liability of shareholders limited.

7. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the Company, and shall not in any way whatever be liable for any greater sum than one hundred dollars upon each and every share of stock held by him.

Affairs to be managed by Board of Directors. Election, and votes thereat.

8. The stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, who shall hold office for one year, and shall be elected (at the expiration of the term during which the Directors hereinafter appointed are to hold office) at the annual meeting of the shareholders, to be held in the city of Halifax in the month of January next, and yearly thereafter in that month,—not less than ten days' notice of such meeting being given by letter to the shareholders, and also by advertisement in some daily newspaper published in the said city; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot or otherwise, as the meeting of the shareholders present shall direct, and the seven persons who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons than seven shall appear to be chosen as Directors, then the Directors who shall have the greatest number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors (as soon as may be after the said election) shall proceed to elect one of their number to be the President; and if any vacancy should, at any time, happen amongst the said Directors by death, resignation, disqualification, or removal, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office; Provided always, that no person shall be eligible to be or continue as Director unless he shall hold, in his name and for his own use, stock in the said Company to the amount of ten shares, and shall have paid all calls made upon his stock, and all liability actually matured and incurred by him with the Company. The first Directors of the Company incorporated under this Act shall be the said William Roche, James A. Moren, John U. Ross,

Election of President.

Vacancies.

Proviso: qualification of Director.

Provisional Directors.

Ross, John Gibson, Nathaniel L. West, John P. Mott and Edward Smith, and they shall hold office until the annual meeting of the shareholders of the Company, in January next.

9. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, or any other business necessary to the carrying out the provisions of this Act may not have been done, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election or transact such other business at a special general meeting to be called for that purpose by the Directors, who shall continue in office until a new election is made. Failure of election not to dissolve Corporation.

10. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes—the chairman presiding at such meeting having the casting vote in case of an equality of votes. Votes on shares. Proxies. Casting vote.

11. At the annual meeting of the shareholders, to be held in the month of January in each year, the election of Directors shall be held and all business transacted without the necessity of specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of the shareholders may be called in such manner as may be provided for by the by-laws, and at all meetings of the shareholders the President, or in his absence, a director or shareholder chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.. Annual meeting and proceedings thereat. Special meetings; who to preside. Casting vote.

12. At all meetings of Directors, three shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President or presiding Director shall give the casting vote in addition to his vote as Director. Quorum at meetings of Directors.

13. The Directors of the Company, at a meeting held for such specified purpose, may, out of the profits, declare such annual or semi-annual dividends upon the capital stock as they Dividends.

they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

Powers of the Company for marine insurance.

14. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or other peril of navigation, or from any other cause of, or to ships, boats, vessels or other craft navigating the ocean, lakes, rivers or high seas or other navigable waters whatsoever from any port or ports in Canada to any other port or ports in Canada, or to any foreign port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of, or to the cargoes or property conveyed in or upon such ships, boats, vessels or other craft, and the freight due or to grow due in respect thereof, or of, or to timber or other property of any description conveyed in any manner upon any of the oceans, lakes, rivers or navigable waters aforesaid, and generally to do all matters and things relating to or connected with marine insurance as aforesaid; and to make and to grant all policies therein and thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with, and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company, shall be signed by the President, and countersigned by the Managing Director or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Re-insurance.

Policies how signed.

Power to hold real estate.

15. The Company shall have power to acquire and hold such real estate as may be necessary for the purpose of its business, to the extent of thirty thousand dollars, and to sell or dispose of the same, and acquire other property in its place, as may be deemed expedient; and any of the paid-up capital of the Company, not considered necessary to be kept on hand for the payment of losses or expenses, shall be kept invested at interest upon approved securities of either real or personal property, as may seem best to the Directors; but no part thereof beyond the sum absolutely necessary for procuring the necessary buildings for the purpose of conducting the business of the Company, shall be invested in real estate; nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships and vessels; but mortgages of other personal property may be held by the Company to secure a debt; nor shall the funds of

Investment of funds.

of the Company be employed in merchandise, nor shall the Company carry on trade as a merchant, nor shall any dividend be made of any part of the capital stock, nor shall any part of the capital stock be loaned, directly or indirectly, to any Director of the Company, nor shall any Director be a party to any security for any such loan, and no stockholder to whom any part of the capital stock shall have been lent shall be eligible as a Director during the continuance of such loan.

Not to be employed in trade, &c. Nor lent to Directors.

16. The Directors shall have full power and authority from time to time to make, and from time to time to alter, such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or decreasing of the number of Directors, the increasing of the capital stock, the making of calls on the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies, and the determining of rates, rules and conditions under which the Company's policies shall be issued, transferred or re-purchased: Provided, that such by-laws, rules, regulations and ordinances, and all alterations therein, shall be submitted by the Directors to the shareholders at a general meeting of the Company, and shall have no force or effect unless and until they are approved by a majority of the voters at such meeting.

By-laws may be made for certain purposes.

Proviso: by-laws must be confirmed.

17. The chief place of business of the Company shall be in the City of Halifax, and the said Company shall have full power and authority to comply with the laws of any province, state or country wherein it proposes to carry on business, so far as such laws are not inconsistent with the provisions of this Act or with the laws of Canada, and to appoint therein, under the seal of the Company, local managers, agents or other officers.

Chief place of business and agencies.

18. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may be subject; and the receipt of the person in whose name any share stands in the books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the Company for any money paid in respect of such share or shares, unless express notice to the contrary has been given to the Company;

Company not bound to see to trusts.

pany; and the Company shall not be bound to see to the application of the money paid upon such receipt, whether given by one of such parties or all of them.

Directors liable for any dividend paid out of capital.

19. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend, the payment of which renders the Company insolvent or diminishes the capital stock thereof, the Directors declaring such dividend shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do, within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the head office of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Any Director may avoid responsibility, and how.

Inspection of books and securities.

20. The books of the Company shall, at all times, be open to the examination of such persons as the Governor General in Council shall appoint to inspect the same.

License must be obtained for inland marine business. 38 V., c. 20.

21. The Company shall not enter upon the business of Inland Marine Insurance unless and until it shall have obtained a license from the Minister of Finance, in accordance with the provisions of the "*Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" and the Company shall be subject to the provisions of all general laws now in force, or that may hereafter be in force, respecting Marine Insurance Companies.

Company to be subject to any general law.

CHAP. 74.

An Act to amend the Act to incorporate "The Ottawa Agricultural Insurance Company."

[*Assented to 28th April*, 1877.]

Preamble. 37 V., c. 89.

WHEREAS doubts have arisen as to the interpretation of the words "detached property," in the sixth line of the fourth section of the Act thirty-seventh Victoria, chapter eighty-nine; and whereas it is desirable and expedient to remove the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The words "detached property," in the sixth line of the fourth section of the Act thirty-seventh Victoria, chapter eighty-nine, of the Statutes of Canada, shall be held and construed, for all the purposes of the said Act and of this Act, to mean and include, and to have always meant and included, the following descriptions of property to wit: churches, convents, schools, colleges and other educational establishments, court houses and gaols, and generally all isolated and detached buildings, whether of a public or private character. 37 V., c. 89. Sect. 4 explained as to "detached property."

CHAP. 75.

An Act to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the "Union Assurance Company of Canada."

[*Assented to 28th April*, 1877.]

WHEREAS application hath been made by petition that the name of the Company, and its chief place of business, may be changed, and that further corporate powers may be granted to the Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The corporate name of the said Company is hereby changed to that of "The Union Assurance Company of Canada." Name changed.

2. The chief place of business of the said Company shall, after the passing of this Act, be in the city of Toronto, instead of the city of Hamilton, and the word "Toronto" shall be, and is hereby substituted for the word "Hamilton," wherever the said word Hamilton occurs in the said cited Act incorporating the Company. Chief place of business.

3. The Directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may, out of the profits of the said Company, pay interest at such rate, not exceeding ten per cent. per annum, as the shareholder paying such sum in advance and the Directors shall agree upon. Company may receive amount of shares in advance and upon interest.

CHAP

CHAP. 76.

An Act to amend the Act incorporating "The British Canadian Loan and Investment Company (Limited)."

[*Assented to 28th April*, 1877.]

Preamble.

39 V., c. 57.

WHEREAS The British Canadian Loan and Investment Company (Limited), acting by certain of its provisional Directors, have by petition prayed that the Act passed in the thirty-ninth year of Her Majesty's reign, chapter fifty-seven, incorporating the said Company, may be amended in the manner hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 2 amended.

1. The second section of the said Act is hereby amended by striking out the words "the above-named persons," in the first line of the said section, and by substituting therefor the names of the following persons:—"The Honorable Sir Alexander Tilloch Galt, K.C.M.G., the Honorable Donald Alexander Macdonald, the Honorable Samuel Casey Wood, William Thomson, Arthur Robinson McMaster, Donald MacKay, Archibald H. Campbell, George Greig, and David Galbraith."

Sect. 3 amended.

2. The third section of the said Act is hereby amended by striking out the words "for that purpose" in the ninth and tenth lines of the said section, and by substituting therefor the words "may lend and advance money upon any such securities, and for these purposes;" and by striking out the words "not exceeding eight per centum per annum, that may be lawful in the place where the contract for the same shall be made and be executory," in the thirteenth, fourteenth and fifteenth lines of the said section, and by substituting therefor the following words "that may be lawfully taken, received, reserved or exacted by individuals in the Province of Ontario or by any Corporation in any other of the Provinces of the Dominion, according to the place where the contract is made or is executory," and by adding to the said section the following sub-section:—

Company may act as agents.

"2. The Company are hereby empowered to act as agents for and on behalf of others who may entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, upon such terms but subject to the provisions as regards interest herein-

before

before contained, and upon such security as to the Company shall appear satisfactory; and to purchase and acquire any securities on which they are authorized to advance money, and again to re-sell the same; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest or both, of any moneys entrusted to the Company for investment, and for all and every or any of the foregoing purposes, may lay out and employ the capital and property for the time being of the Company, or any part of the moneys authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid; and may do, assent to and exercise all acts whatsoever, in the opinion of the Directors of the said Company for the time being, requisite or expedient to be done in regard thereto; and moneys of which the repayment of principal or interest is guaranteed by the Company, shall for the purposes of this Act, be deemed to be money borrowed by the Company."

Further powers

May guarantee payment of principal or interest.

Moneys guaranteed to be deemed borrowed.

3. The fourth section of the said Act is hereby amended by striking out the words "to receive money on deposit," in the first and second lines of the said section, and by striking out the last four lines of the said section, and by substituting the following words: "shall not at any time exceed the nominal amount of the subscribed capital of the Company, upon which twenty per cent. has first been paid up."

Sect. 4 amended.

4. The sixth section of the said Act is hereby repealed, and the following section substituted therefor:—

Sect. 6 repealed.

"**6.** The head office of the Company shall be in Toronto and the Company may have local Directors' offices and agencies to transact business at such other places in Canada and elsewhere as may be determined upon by the Directors."

New section Head office.

5. The seventh section of the said Act is hereby amended by inserting the words "one half of" before the word "which" in the third line of the said section.

Sect. 7 amended.

6. The nineteenth section of the said Act is hereby amended by inserting the words "one half of" before the words

Sect. 19 amended.

words "the capital stock" in the first line of the said section.

Sect. 20 amended.

7. The twentieth section of the said Act is hereby amended by inserting the words "and in at least one daily newspaper in Edinburgh, and one such newspaper in Glasgow" after the word "section" in the seventh line of the said section.

Sect. 22 amended.

8. The twenty-second section of the said Act is hereby amended by inserting the words "the selection and appointment of shareholders resident in Great Britain or Ireland to constitute local boards of Directors with such powers as may be deemed necessary" after the words "set forth" in the twelfth line of the said section.

Sect. 32 amended.

9. The thirty-second section of the said Act is hereby amended by striking out all the words in the said section after the word "shareholder" in the eighth line thereof, and by adding the following words: "and such book or books shall be open for inspection by the shareholders and creditors of the Company at all reasonable times; and the Company shall also keep in a book or books a register of all debentures issued by the Company, and therein shall be fairly and distinctly entered the amount of each such debenture, the time when and the place where the same is payable, and the rate of interest payable thereon, with such other particulars as the Directors may from time to time deem necessary."

Register of debentures to be kept.

Form of debenture amended.

10. The form of debenture in the schedule to the said Act set forth is hereby amended by striking out the word "the" and inserting the words "A B or" before the word "bearer," and by striking out the words "in England" and the word "England" where the same occur in the said schedule.

Sections added.

11. The following sections are hereby added to the said Act:—

Amalgamation of the Company with another of like kind.

"54. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other Company or Society incorporated or chartered to transact a like business, and any other business in connection with such business, or any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase, or acquisition."

Agreement may be en-

"55. The Directors of the Company, and of any other such company or society, may enter into a joint agreement under the

the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the Company of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the Company." tered into for the purpose.

"56. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week, for two successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,---each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada; and the said agreement shall from thence be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the Company of the assets of such company so selling, as the case may be; and a copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation."

To be submitted to shareholders of each company for approval.

Proceedings at meetings.

Certificate and filing thereof.

"57. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one

Effect of agreement.

one corporation by the name in the said agreement, provided with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations."

Property vested in new corporation.

"58. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken or deemed to be transferred to and vested in such new corporation without further act or deed; provided, however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities, and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or been contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist; or the new corporation may be substituted in such action or proceeding in the place thereof."

Proviso: certain rights saved.

CHAP. 77.

An Act to amend the Act to Incorporate the National Investment Company of Canada (Limited.)

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS, the National Investment Company of Canada (Limited) have petitioned for amendments to their Act of Incorporation; and, whereas, it is expedient to grant the prayer of such petition:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sec. 9 of 39 V., c. 61, amended as to rate of interest to be taken by the Company.

1. The ninth section of the said Act is hereby amended by striking thereout the words "moneys deposited either" and the words "or by bodies corporate, in the place where the contract is made or is executory, but not exceeding eight per centum per annum," and by substituting in lieu of the words so last struck out the words "under like circumstances and

and may also receive an annual payment on any loan, by way of a sinking fund, for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company: Provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan, and it shall also be lawful for the said Company." Proviso.

2. The tenth section of the said Act is hereby amended by striking thereout the words "together with the deposits held by the Company (if any)," and by striking thereout the words "a sum equal to the amount of the paid-up capital and thirty-three and one-third per cent. added thereto," and substituting in lieu thereof the words "eighty per cent. of the subscribed capital of the said Company, upon which twenty per cent. has first been paid up." Sect. 10 of 39 V., c. 61, amended as to amount to be borrowed by the Company.

3. The fourteenth section of the said Act is hereby amended by striking thereout the words "provided always that the Directors, including the President and Vice-President, shall not exceed seven in number." Sect. 14 of 39 V., c. 61 amended.

CHAP. 78.

An Act to amend the Act intituled "An Act to incorporate the London and Ontario Investment Company (Limited)"

[*Assented to* 28*th April*, 1877.]

WHEREAS the London and Ontario Investment Company (Limited) have petitioned for an Act to amend the Act passed in the thirty-ninth year of Her Majesty's reign, chapter sixty-two, intituled "*An Act to incorporate the London and Ontario Investment Company* (*Limited*)," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 39 V. c. 62.

1. So much of the fourth section of the said Act as is contained in the words "not exceeding eight per centum per annum as shall be lawful or may be lawfully taken, received, reserved or exacted, either by individuals or by corporate bodies in the place where the contract for the same shall be made and be executory," is hereby repealed, and the following is enacted in lieu thereof,—"or discount as shall be lawful or may lawfully be taken, received, reserved Section 4 amended: what rate of interest the Company may take.

 or

or exacted by individuals in the Province of Ontario or by any corporation in any other of the Provinces of the Dominion according to the place where the contract is made or is executory."

Section 5 amended. Borrowing powers of the Company altered.

2. So much of the fifth section of the said Act as is contained in the words following, namely,—"provided that the total amount of sums to be borrowed as aforesaid shall never exceed the amount of the subscribed capital paid up, and thirty-three and one third per cent. added thereto," is hereby repealed; and in lieu thereof, it is enacted that the total amount of sums to be borrowed, as mentioned in the said fifth section of the said Act, shall never exceed the amount of the capital subscribed, and upon which twenty per cent. has been paid up.

Debentures, how payable, transferable, and recoverable.

3. Debentures and bonds of the said Company may be made payable to bearer, and transferable by delivery; and any holder or assignee of any mortgage, debenture or bond of the said Company may sue thereon in his own name, and any such mortgage, bond or debenture and interest coupons thereof may be payable in sterling or otherwise, and at any such place as the Company shall think proper.

Company may make loans on stocks and other securities.

4. In addition to the powers conferred upon the said Company by the said Act, the said Company are hereby authorized and empowered to make loans upon the security of bonds and debentures of any municipal or other corporations.

Company may have local Boards of Directors in the United Kingdom.

5. The said Company may appoint a local board of Directors in any city or town in England, Scotland or Ireland where they have an office, from among the shareholders resident in any such city or town,—the number of Directors constituting any such local board, their mode of appointment, and powers to be fixed by the by-laws of the Company; and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the votes of the members present or represented by proxy at any special meeting to be called for such purpose, nor unless the notice calling such meeting be published once a week for four weeks in a daily newspaper published in each city or town in England, Scotland and Ireland where the Company shall have an office.

Section 4 amended.

6. The fourth section of the said Act is hereby amended by striking out the word "or" between the words "real estate" and the words "freehold or leasehold," in the said section.

Section 21 amended. Book to be

7. The twenty-first section of the said Act is hereby amended by adding thereto "and such book or books shall be

be open for inspection by the shareholders and creditors of the Company at all reasonable times; and the Company shall also keep in a book or books a register of all debentures issued by the Company, and therein shall be fairly and distinctly entered the amount of each such debenture, the time when and the place where the same is payable and the rate of interest payable thereon, with such other particulars as the Directors may, from time to time, deem necessary."

open to inspection. Register of debentures to be kept.

8. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other company or society incorporated or chartered to transact a like business and any other business in connection with such business, or any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith, necessary to such union, amalgamation, consolidation, purchase or acquisition.

Company may unite with any other like company.

9. The Directors of the Company and of any other such company or society, may enter into a joint agreement under the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the Company of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the Company.

Agreement for such union how made and what to provide.

10. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week, for two successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for

Must be approved by shareholders of each company after due notice.

Proceedings at meetings.

for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada; and the said agreement shall, from thence, be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the Company of the assets of such company so selling, as the case may be; and a copy of such agreement so filed, and of the certificates thereon properly certified shall be evidence of the existence of such new corporation.

Proceedings if the agreement be adopted.

Effect of the agreement when perfected.

11. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Business and rights of both companies vested in new Company.

12. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken or deemed to be transferred to and vested in such new corporation without further act or deed; provided, however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or been contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate, or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist; or the new corporation may be substituted in such action or proceeding in the place thereof.

Proviso: saving rights of third parties.

CHAP

CHAP. 79.

An Act to incorporate "The Canadian Securities Company (Limited)."

[Assented to 28th April, 1877.]

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as an Investment and Trust Company; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Ferdinand MacCulloch, George Stephen, Donald A. Smith, M.P., Henry Lyman, Robert A. Lindsay, Thomas W. Ritchie (who are hereby appointed Provisional Directors) and all other person or persons, body or bodies politic, who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be and are hereby constituted a Company, and shall be one body corporate and politic, by the name of "The Canadian Securities Company (Limited)," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded, in all Courts whatsoever. Certain persons incorporated. Corporate name and powers.

2. The Company shall, subject to the provisions hereinafter contained, have power to borrow money on debentures, or bonds at a fixed rate of interest, and to receive money on deposit, either with or without interest; to invest moneys on the securities of lands or real estate situated in the Dominion of Canada; to purchase any public securities or the bonds or debentures of any municipal or other corporation in Canada, or to lend money upon the security of the same, and the Company may acquire, by purchase or otherwise, any security upon which they are authorized to lend or advance money, and may re-sell the same; with power to do all acts that may be necessary for advancing such sums of money, and for receiving and obtaining re-payment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions; and the Company may act as agents or trustees for and in the interest of any corporation, company or person, and may act as agents in the purchase, sale, issue or negotiation of Canadian securities, and may do all such things as are incidental or conducive to the attainment of the above objects. Borrowing, lending, and other powers of the Company. May act as agents for certain purposes.

3.

Capital stock and shares.

When to commence business.

3. The capital of the Company shall be two millions of dollars, divided into twenty thousand shares of one hundred dollars each; and the Company shall have power to commence business as soon as one-half of its capital stock shall have been subscribed, and twenty per cent. upon such amount so subscribed shall have been paid up.

Company may act as an agency and trust company.

May guarantee payment.

4. The Company is empowered to act as an agency and trust company, and may hold, invest and deal, in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall from time to time be transferred or delivered to the Company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May acquire certain real estate.

Proviso.

5. The Company may hold such real estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: Provided always, that the Company shall sell any such real estate acquired in satisfaction of any debt, within seven years after so acquiring it.

Head office and agencies.

6. The head office of the Company shall be in the City of Montreal, but the Company may have other offices in Canada or Great Britain or elsewhere for such purposes as the Directors shall determine; and the bonds, coupons or dividends of the Company may be made payable at any place in Great Britain or elsewhere, and in sterling or currency.

Proof of transmission of shares.

Declaration in case of transmission by marriage.

7. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy, or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall, from time to time, require or by any by-law may direct; and in case the transmission of any shares of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted are the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect

effect to the Company; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

8. If the Directors of the Company shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court at Montreal, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts, and the number of the shares previously belonging to the party in whose name such shares stand in the books of the Company, and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; Provided also, that unless the said Superior Court otherwise orders, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proceedings in case of doubt as to ownership of shares.

Proviso; notice to be given.

Proviso: as to costs.

9. The provisions of the Act of this Session, intituled "*An Act to amend the law respecting the incorporation of Joint Stock Companies by Letters Patent,*" except in so far as they may be varied by this Act, are hereby incorporated with, and shall form part of this Act.

40 V., c. 43, to apply, except as varied.

CHAP.

CHAP. 80

An Act to incorporate the "Dominion Building Society" under the name of "The Dominion Mortgage Loan Company" and for other purposes.

[*Assented to 28th April*, 1877.]

Preamble.

Con. Stat., L.C., c. 69.

WHEREAS the "Dominion Building Society," a body politic and corporate, have by their petition, represented that they were incorporated under the authority of the legislature of the late Province of Canada (Consolidated Statutes for Lower Canada, chapter sixty-nine), and have prayed for an Act of incorporation with the powers hereinafter set forth, and it is desirable in the public interest and in the interest of the said Society to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of Society changed.

1. The said "Dominion Building Society," and all its members, their successors and assigns for ever, are hereby constituted a body politic and corporate under the name of "The Dominion Mortgage Loan Company," having its principal place of business in the City of Montreal; and under that name may sue and be sued, plead and be impleaded in all courts and places whatsoever.

Not to be deemed a new corporation.

Rights and liabilities continued.

2. The said Company (hereinafter called the Company) shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said "Dominion Building Society" and shall be subject to all the liabilities to which that Society is now subject, in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the Company, so far as the same are not contrary to, or inconsistent with the provisions of this Act.

Property transferred to Company.

3. All the movable and immovable property, shares or stock, debts, rights, claims and privileges of the said "Dominion Building Society" shall be transferred to and vested in the Company, and all its debts and obligations shall be binding on the same, and all the shareholders in the said Society shall be shareholders in the Company, and all legal proceedings heretofore begun by or against the said "Dominion Building Society," may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against the Company.

4.

4. The present President, Vice-President and Directors and officers of the said "Dominion Building Society" shall continue in office as such in the Company, with the names of President, Vice-President, Directors and officers of the Company until replaced in conformity with the by-laws of the said Society and the provisions of the law. President, &c., to continue in office.

5. All the present by-laws and rules of the said "Dominion Building Society," so far as the same are not contrary to law or inconsistent with the provisions of this Act, shall continue in full force and effect, and shall be binding in law as regards the Company, its Directors, officers, shareholders and borrowers until modified, amended or repealed in conformity to law, and the provisions of this Act. By-laws and rules continued.

6. The accumulating shares called appropriation shares (*parts d'appropriation*) of the first and second issues of the capital stock of the said Society, the amount of which shall not have been loaned and advanced to the holders thereof, shall be, from the first day of June next, converted into permanent shares and reduced to one-fifth of the original number thereof, and new permanent shares shall be issued to the holders of such shares in the proportion of one-fifth, or of one new permanent share for every five of such said shares, so that the holder of one book or ten shares of one hundred dollars each in the said first issue of the capital stock of *parts d'appropriation* shall be holder of two shares, and the holder of one book or twenty shares of one hundred dollars each in the said second capital of *parts d'appropriation* shall be holder of four shares in the new hereby created permanent stock; and whatever amount has been paid upon such shares by the holder thereof shall be entered as paid and shall be deemed to be the amount already paid upon the said new permanent shares; and the Board of Directors of the Company are hereby authorized to make such arrangements as to the details of the said conversion and reduction as shall be found most convenient: Provided always, that the said conversion and reduction of stock, shall in no way diminish the liability of the shareholders thereof to pay up in full the instalments and other dues which may be due by them upon their said appropriation shares on the said first day of June next, nor shall in any way diminish their liability to the creditors of the said Society. Conversion of accumulating shares. Proviso: liability not affected.

7. Nothing in the next preceding section contained shall in any way affect the holders of appropriation shares of the first and second capital of appropriation, who shall have borrowed and received in advance the amount thereof, and the said borrowing shareholders shall, notwithstanding this Act, continue to pay up their instalments upon the said shares until such time as the said instalments and profits accrued thereon shall have made up the nominal value Borrowing shareholders not affected.

value of the said shares, and shall have effected, by compensation, the payment of the amount borrowed upon the said shares; and they shall also continue to pay up the interest on the loan or loans by them effected, according to the by-laws of the said Society, as aforesaid, and to the terms and conditions provided in the deed or deeds of loan and obligation, or in any other deed they may have passed in favor of the said Society, or as provided in any other deed by which they may have bound themselves to make any payment to the said Society, according to law: Provided always, that nothing herein contained shall prevent the borrowing shareholders of the said appropriation shares, who may prefer to divest themselves of the said shares and otherwise repay the loan effected thereon, from making any agreement to that end with the Board of Directors.

Their obligations to continue.

Proviso.

Capital of the Company, how formed hereafter.

8. The capital stock of the said Company, reduced as hereinbefore enacted, together with the permanent stock already subscribed shall be and form the permanent capital stock of the said Company now incorporated.

Calls on stock and increase of capital.

9. The Board of Directors of the Company shall have power to make calls from time to time upon the new permanent stock by this Act created, and upon the old permanent stock of the said Society, for the payment of any amount that may remain unpaid upon such stock, and shall also have power to increase the capital of the Company by issuing new shares: Provided that such calls and such increase of capital shall have been previously authorized by a resolution adopted by at least two-thirds of the votes of the shareholders of the Company, voting in person or by proxy, at a general meeting convened for that purpose; Provided also, that the capital of the Company shall not at any time exceed one million of dollars, and that the calls upon the shares of the Company shall not at any one time exceed ten per cent. of the nominal value of the said shares,—nor shall they be made at intervals of less than three months.

Proviso: to be sanctioned by shareholders.

Proviso: extent of increase.

Prior claims of the Society in respect of shares.

10. All shares in the said Company and all profits thereon shall be specially, and by prior privilege to any other creditors, charged with and liable for any claims the Company may have against the proprietors of such shares; and the same may be retained and confiscated by the Company to an amount equal to the sum in arrear, if the shareholder indebted to the Company should fail to discharge his debt or obligation within twelve months after the same shall have matured. The shares of the said Company may also be seized and sold in the same manner as shares in bank stock, and with the same formalities as in like cases.

Shares subject to seizure.

11.

11. It shall be lawful for the Board of Directors of the Company to pay semi-annual dividends to the shareholders of the permanent stock above described, and to carry and add to the credit of the borrowing shareholders of the appropriation stock, their share in the benefits and profits of the Company; and, the Board of Directors shall also have power to set aside a reserve fund out of the profits of the Company: Provided always, that such reserve fund or any part thereof shall not be formed out of the share of the borrowing shareholders of the appropriation stock in the profits of the Company, and that it shall be the exclusive property of the holders of the stock, out of the profits of which it shall have been formed.

Dividends.

Reserve fund.

Proviso.

12. In consideration of the changes hereby made, the by-law of the said "Dominion Building Society," fixing the general meeting of the shareholders of the said Society on the first Tuesday of May of each year, for the election of Directors of the said Society and for other business generally, is hereby repealed; and the next general meeting of the shareholders of the Company for the election of Directors, for submitting a statement of the affairs of the Company, and for the transaction of business generally, shall be held on the first Thursday of July next, and in the event of the said day being a legal holiday, it shall then be held on the next juridical day; and the present Directors of the said "Dominion Building Society" are hereby continued in office until the general meeting in July next.

Day for annual meeting changed.

13. The Company shall have power to alter, amend and repeal the present by-laws of the said "Dominion Building Society," and shall have power to adopt and make any by-laws, not being contrary to law or inconsistent with the provisions of this Act, which they may deem necessary for the good management of their affairs, as also to alter, amend and repeal the said by-laws: Provided always, that no such by-laws shall be altered, amended or repealed, or adopted and passed otherwise than by a resolution of the shareholders of the Company, concurred in by at least two-thirds of the votes of the said shareholders thereof, voting in person or by proxy at a general meeting convened for the purpose; and at every meeting of the shareholders of the Company, each shareholder shall have a vote for every share held by him, but borrowing shareholders of the appropriation stock, and shareholders of the permanent stock, who are in arrear in respect thereof, shall not be entitled to vote.

By-laws.

Proviso: they must be sanctioned by shareholders.

Votes.

14. The provisions of the Act intituled "*An Act to amend the law respecting the incorporation of Joint Stock Companies by Letters Patent,*" passed during the present session, in so far as they are not incompatible with nor repugnant to this Act, shall be considered as forming part thereof.

Act 40 V., c. 43, to apply, except as varied.

CHAP.

CHAP. 81.

An Act to incorporate "La Société de Construction St. Jacques" as a Permanent Building Society, and for other purposes.

[*Assented to 28th April*, 1877.]

Preamble. Con. Stat., L.C., c. 69.

WHEREAS *La Société de Construction St. Jacques*, incorporated under the provisions of the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada, has existed in the City of Montreal since the month of January one thousand eight hundred and seventy-four; whereas the present subscribed capital of the said society is three million five hundred and seventy-four thousand dollars, and the amount paid thereon is about two hundred and four thousand dollars; and whereas its existence on a solid and durable basis is of great interest to all its shareholders; and whereas the said Society has, by the petition of its President and Directors, prayed for certain powers and changes which would greatly contribute to its prosperity and to the security of persons holding shares therein and of the public with whom its business is transacted; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation continued.

1. The said *Société de Construction St. Jacques* and all its present members, their successors and assigns for ever, are hereby constituted a corporation and permanent building society under the name of *La Société de Construction St. Jacques*, having its principal place of business or office in the City of Montreal, and may, by that name, sue and be sued. and shall enjoy all the rights, powers and privileges granted to permanent building societies by the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada and by all other Acts affecting such societies, and shall be held to all the duties and obligations imposed on such societies by the said Acts.

Rights and powers.

Property, &c. vested in Society.

2. All movable and immovable property, shares or stock, obligations, debts, rights, claims and privileges generally whatsoever of the said *La Société de Construction St. Jacques*. shall continue vested in the said Society incorporated as a permanent building society as aforesaid, under its said name. and shall continue to be held and maintained by or against the said Society and belong to it to all intents and purposes, as if this Act had not been passed; and all proceedings commenced by the said Society may be continued without any change whatsoever.

3. The President, Directors and officers of the said *La Société de Construction St. Jacques*, now in office shall so continue in the said Society, until replaced in conformity with the by-laws of the Society. Officers continued.

2. The present by-laws of the said Society, which are in conformity with the law, shall continue in force until modified, amended or repealed by the said Society. And by-laws.

4. And whereas, under the system hitherto followed in the said Society, the capital thereof consisted of the whole amount of the shares subscribed for by its shareholders, and such capital was to be advanced by appropriation from time to time, during the existence of the Society, to shareholders holding the winning number at a drawing of lots to be carried out under the supervision of the Board of Directors of the Society, or whose number obtained at a bidding the privilege of appropriation ; and whereas under the aforesaid system of appropriation a certain number of shareholders have already received in advance the amount of their shares, and consequently the said shareholders are bound to repay in full the amounts so by them received, less what they may have previously paid up on their said shares, and consequently the said shares cannot now be reduced, unless with the consent of such shareholders and by providing a new and special means for the discharge of the obligations of such borrowing members towards the Society, it is further enacted : that the capital stock of the said Society subscribed for by shareholders who have received no appropriations, shall be reduced to ten per centum of the amount by them so subscribed ; and the capital subscribed by borrowing shareholders shall remain at the full amount of the original subscription. Non-borrowing shareholders, that is to say, those who have not received appropriations shall be bound to complete the said amount of ten per centum on the total of the shares by them originally subscribed for, by paying to the Society such an amount as may be requisite to form such ten per centum, with what they have already paid, in instalments not exceeding ten per centum of the balance by them so owing, and payable at such periods as may, from time to time, be fixed by the Directors : Provided that such instalments shall not be payable at shorter intervals than one month. Borrowing shareholders shall continue to make their payments in the same manner and on the same terms and at the same periods as set forth in their obligations entered into with the Society, until such time as each and all of their said obligations shall have been completely and entirely satisfied and fulfilled. Nevertheless the Directors of the Society may make such arrangements with such borrowing shareholders as they shall think proper, to convert into an obligation to pay a fixed sum agreed upon and determined between them and

Recital.

Reduction of shares receiving no appropriation.

Of non-borrowing shareholders.

Proviso:

Of borrowing shareholders.

Commutation of their debt to Society.

and such borrowing shareholders, all and every the debts and obligations of such borrowing shareholders as aforesaid, the whole in conformity with the provisions of the first section of this Act; and thenceforth such borrowing shareholders shall cease to be shareholders and shall become simple borrowers, and their shares shall be absolutely cancelled and annulled to all intents and purposes whatsoever.

How the capital stock of the Society shall be constituted hereafter.

5. The capital stock of the Society, reduced as hereinbefore enacted, shall be and form the permanent capital stock of the said Society, and shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote; but no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls upon all the shares held by him.

Increase of capital and temporary shares.

6. The said Society may, by a resolution of the Directors confirmed at a general meeting of the shareholders, increase its permanent capital, and may, as often as it thinks proper, open classes of temporary shares; and nothing in this Act shall operate to deprive the Society in that respect of any rights and privileges conferred by general Acts affecting such societies.

Conversion of temporary shares.

7. Any member of the Society may, at his option at any time, and in manner to be regulated by the Directors, convert his temporary shares into fixed and permanent shares in the stock of the Society either before or after the same shall have been fully paid up.

Prior claim of Society in respect of shares.

8. All shares, whether permanent or temporary, in the said Society, and all profits thereon shall be, specially and by prior privilege to any other creditors, charged with and liable for any claims the Society may have against the proprietors of such shares; and the same may be retained and confiscated by the Society to an amount equal to the sum in arrear, if the shareholder indebted to the Society fails to discharge his debt or obligation within twelve months after the same shall have matured. The shares of the said Society may also be seized and sold in the same manner as shares in bank stock, and with the same formalities as in like cases.

Seizure of shares as of bank stock.

Investment of funds.

9. The system of appropriations hitherto followed in the said Society shall be totally discontinued, and the said Society may invest its moneys in any real security, or in the public securities of the Dominion, or of any of the Provinces thereof, or on the security of debentures of any municipal or other corporations. The Society may also accept in addition to such hypothecary securities, any personal or other security offered as collateral security for loans made by the Society.

Collateral security.

10.

10. The Society shall have power to make, alter, repeal and re-enact from time to time by-laws for the regulation of its business, by a majority of two thirds of the votes of its members present in person or represented by proxy at a general meeting of the members of the Society held for that purpose, at the call of the President or of three Directors, by public notice inserted in two newspapers, published in the City of Montreal,—one in the French language and the other in the English language, three times a week for two consecutive weeks, before the day of the said meeting. And at such meeting and at all other meetings of the members of the Society the members shall vote in the manner provided by this Act and by the by-laws of the Society.

How by-laws may be made, altered or repealed.

Notice of meeting for the purpose.

Votes.

11. The Directors of the Society may, each year, at the period of the division of profits, reserve out of the profits of the permanent capital, a certain sum not to exceed two per centum of the amount of such capital, when the net profits do not exceed ten per centum, and at their discretion if the profits exceed ten per centum; which sum shall form the permanent reserve fund of the Society and shall be set apart to meet all losses or extraordinary or unforeseen expenditure incurred by the Society, the responsibility of which devolves on the permanent shareholders.

Establishment of reserve fund.

CHAP. 82.

An Act to incorporate the "Dominion of Canada Civil Service Mutual Benefit Association."

[*Assented to 28th April*, 1877.]

WHEREAS William Patton, William Henry Kittson, Henry Colbeck, William Gillesby, John Ferdinand Jagoe, Alfred Crisp, John Barker Eager, Henry Miller Woodward and others have, by their petition to the Parliament of Canada, represented that the Association of which they are members, known as the "Dominion of Canada Civil Service Mutual Benefit Association," was organized on the twelfth of April, one thousand eight hundred and seventy-five, for benevolent purposes, and more particularly for the purpose of providing in some measure for the relief of families of members of the civil service corps of Canada, who are also members of the Association, and who may die while members as aforesaid, and have prayed that for the better attainment of the objects of the said Association it may be invested with corporate powers; and by reason of the good effected by the Association since its organization as well as

Preamble.

by

by that which it endeavours to attain, it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said William Patton, William Henry Kittson, Henry Colbeck, William Gillesby, John Ferdinand Jagoe, Alfred Crisp, John Barker Eager, Henry Miller Woodward and such other persons as are now members of the said Association, or shall hereafter become members thereof under the provisions of this Act, and the by-laws made under the authority thereof, and their successors shall be and they are hereby constituted a body politic and corporate, under and by the name of the "Dominion of Canada Civil Service Mutual Benefit Association," and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of law and places whatsoever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure and shall have power to purchase, take, receive, hold, and enjoy and maintain to and for the use of the said corporation, all lands, tenements and hereditaments which may hereafter be sold, ceded, exchanged, given, devised, bequeathed or granted to the said corporation or to sell, alienate, convey, mortgage, let or lease the same if need be: Provided always, that it shall be incumbent upon the Association to sell any and all real estate so acquired, except such real estate as may be required for the actual use and occupation of the Association, within five years from the date when the same shall have been acquired by the Association.

Corporate name and powers.

Real estate.

Proviso.

Board of Directors.

2. The affairs and business of the said corporation shall be managed by a Board of Directors composed of six members, two chosen from any of the Departments of the Civil Service to be elected annually, consisting of a President, a first and second Vice-President, and three other members; four members of the said Board shall be a quorum for the transaction of business; the Secretary and Treasurer shall be elected by the said Board of Directors in accordance with existing by-laws of the said Association.

Quorum.

Officers.

What shall be deeds of the corporation.

3. All deeds and members' certificates of membership sealed with the common seal of the corporation, and signed by the President, or either of the Vice-Presidents, and the Secretary, and none other, shall be held to be deeds and certificates of the corporation: Provided always, that the Treasurer for the time being may receive all moneys payable to the corporation, and grant valid receipts therefor.

By-laws and their objects.

4. It shall be lawful for the said corporation to make by-laws for the admission and expulsion of members, and for the

the proper administration of the property and affairs of the corporation, and to repeal or amend the same from time to time; and such by-laws and amendments shall be submitted for the consideration of the various local boards to be provided for by the by-laws of the Association previous to adopting the same.

Subject to confirmation.

5. The general meetings of the corporation shall be held in such manner, after such notice, upon such requisition and at such times, in the City of Hamilton, or such other city in the Dominion of Canada as may hereafter be determined upon by a two-thirds majority of the members of the said Association, cast for that purpose,—such decision to be final.

General meetings.

Where held.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the Association shall be those of the corporation, that is to say, the said William Patton shall be President, the said William Henry Kittson shall be the first Vice-President, the said Henry Colbeck shall be second Vice-President, Henry Miller Woodward shall be Secretary, John Baker Eager shall be the Treasurer, and William Gillesby, John Ferdinand Jagoe and Alfred Crisp the other members of the Board of Directors.

Provisional officers.

7. All subscriptions of members, due to the corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the Treasurer thereof, in accordance with existing by-laws, and, in default of payment, may be recovered in any action brought by him in the name of the corporation, in any court of competent civil jurisdiction: Provided always, that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said corporation, but he shall remain liable for the payment of all arrears due to the funds thereof up to the date of his withdrawal, including the annual fee or subscription for the then current year.

All dues to be paid to the Treasurer.

Poviso: Members may withdraw.

8. The funds of the Association shall be invested in government securities, municipal debentures, on first mortgage on real estate, or on deposit in any chartered or savings bank.

Investment of funds.

9. The said Board of Directors shall yearly, in the month of March, insert in some newspaper published in the city in which the said head Board of Directors may be established, a statement of the amount of the receipts and disbursements, funds and property, debts and liabilities of the said corporation, certified by the President or Vice.-President, Treasurer and the two Auditors elected at the annual meeting of the corporation.

Statement of affairs to be published yearly.

Rights of Her Majesty, &c. saved.

10. Nothing in this Act shall affect any right of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

CHAP. 83.

An Act to incorporate the "Dominion Grange of the Patrons of Husbandry" of Canada.

[*Assented to 28th April*, 1877.]

Preamble.

WHEREAS certain persons have associated themselves together for some time past, under the name of "The Dominion Grange of the Patrons of Husbandry," having for their object the improvement of agriculture and horticulture, the sale and disposal of their productions, and the procuring of their supplies to the best advantage, the systematizing of their work, the discountenancing of a system of credit, the encouragement of frugality, and the intellectual, social and financial improvement and welfare of its members in the various Provinces of the Dominion. And whereas they have represented that their Association would be more efficient in its operation should an Act of incorporation be granted them, conferring such powers as will enable them to accomplish the objects they have in view; and whereas they have prayed for an Act of incorporation; and whereas it is desirable that the said Act of incorporation should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Squire W. Hill, William Pemberton Page, James Daly, Alfred Gifford, Amos J. Hughes, William Cole, Charles Drury, Stephen White, Eli Hambleton Hilborn, Levi R. Whitman, Charles McGibbon, James Manning, John Perkins Bull, and John A. Dickson, and the other present members of the said Grange, and all other persons who may become members of the said Grange, are hereby constituted a body politic and corporate, under the name of "The Dominion Grange of the Patrons of Husbandry," for the purposes mentioned in the preamble of this Act.

Corporate name.

Power to hold property.

2. It shall be lawful for the said corporation to acquire and hold any personal property, and such real and immoveable estate as they may require for actual use and occupation.

3.

And dispose of it.

3. It shall be lawful for the said corporation to sell, lease or otherwise dispose of the property so acquired, through its proper officers, under the rules and regulations of the said corporation, and in the manner prescribed by the law of the Province in which such property is situated.

Power to sue and be sued.

4. The said corporation may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity having jurisdiction over like cases between other parties.

To make rules and regulations.

5. The said corporation, for the time being, shall have full power and authority to make such rules, regulations and by-laws, not inconsistent with the laws of the Dominion or of the Provinces, as they may deem expedient and necessary for the interests of the said corporation, and for the admission of members thereof; and the rules, regulations and by-laws of the said Dominion Grange of the Patrons of Husbandry shall be and continue to be the rules, regulations and by-laws of the said corporation, so far as the same are consistent with the laws of Canada and of the Provinces, until the same are altered or repealed in the manner prescribed by this Act.

Present rules continued until altered.

Application of funds.

6. All the funds and revenues of the said corporation from whatever source they may be derived, shall be devoted to the maintenance and carrying out of the objects for which the said corporation is constituted, as the said corporation may decide, according to the true intent and meaning of this Act.

Constituting Division Granges.

7. The said corporation shall have full power and authority under its corporate seal, to institute subordinate and Division Granges of the Patrons of Husbandry, designating them by name, number and place of location, and each subordinate or Division Grange, upon being instituted, shall have all the powers and privileges conferred upon the Dominion Grange by this Act, as to the holding and management of real and personal estate, and the making of such by-laws, rules and regulations, not inconsistent with the laws of Canada or the Provinces, or with the by-laws of the Dominion Grange, as may be necessary to the carrying out of the objects for which such subordinate or Division Grange is instituted.

Their powers.

Subject to Dominion Grange.

8. Each subordinate or Division Grange shall be subject to the rules and regulations made by the Dominion Grange for the general government of the whole corporation, so far as the same are not inconsistent with the laws of Canada or the Provinces.

9.



Revocation of warrant of Division Grange.

9. The Dominion Grange shall have power to revoke the warrant instituting any subordinate or Division Grange for any violation of the by-laws, rules and regulations of the Dominion Grange, and when such warrant is so revoked such subordinate Grange shall stand dissolved, except for the purpose of winding up its affairs, as hereinafter provided.

Liability of Division Grange.

10. The property of each subordinate or Division Grange when instituted, shall alone be held responsible for the debts and engagements of such Grange.

Division Grange may be dissolved.

11. Any subordinate or Division Grange may be dissolved upon the agreement of a two-thirds vote of all its members, subject to the provisions hereinafter contained for the winding up of the affairs thereof.

Application of funds in case of dissolution.

12. Upon the dissolution of any subordinate or Division Grange, its property shall first be applied to the payment of the debts of such subordinate or Division Grange, and the remainder shall be equitably distributed amongst those who are members at the period of dissolution, but the corporate existence of such subordinate or Division Grange shall be taken and considered to continue for the purpose of winding up its affairs until the same is completed.

Board of Directors and officers.

13. The affairs and business of the said Dominion Grange of the Patrons of Husbandry shall be managed by a Board of Directors, consisting of a Master, Secretary and an Executive Committee of five members of the said corporation, elected in accordance with the rules and regulations of the said corporation.

Present officers.

14. Until others are elected, according to the by-laws of the said corporation, the present officers of the said Dominion Grange shall be the said Squire W. Hill, Worthy Master; William Pemberton Page, Secretary; James Daly, Alfred Gifford, Amos J. Hughes, William Cole, and Charles Drury, the Executive Committee.

Executive Committee.

General meetings.

15. The general meetings shall be held once in every year at such time and place as the said corporation may, from time to time, determine at their annual meetings; but should the members of the said corporation fail or neglect at any of the annual meetings to appoint a time and place for the next annual meeting, the said Board of Directors or Executive Committee shall appoint such time and place, and the Secretary of such corporation shall, at least thirty days before such annual meeting, notify the Secretary of each Division Grange of such annual meeting.

Notice.

Recovery of subscriptions.

16. All subscriptions due to the corporation under any by-law, may be recovered in any court of competent jurisdiction,

diction; but any member may withdraw from the said Association at any time, on the payment of all assessments due by him to the corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against the corporation.

17. The corporation shall, at any time, when required to do so by the Governor in Council, make a return of all their property, real and personal, and of all their receipts and expenditures for such period of time, with such other information relating to the corporation as it may be in their power to communicate. **Returns to Government.**

CHAP. 84.

An Act to amend the Act to incorporate "The *Globe* Printing Company."

[*Assented to* 28*th April*, 1877.]

WHEREAS the *Globe* Printing Company has, by its petition, represented that it is desirous of establishing offices in various places outside of the Province of Ontario, and has petitioned for certain amendments to its Act of incorporation; and, whereas, it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The said *Globe* Printing Company may establish branch offices in the capitals of the several Provinces of Canada, and in any other cities, towns or places in the Dominion or elsewhere, in which the said Company may see fit to carry on business. **Branch offices may be established.**

2. The shareholders of the said Company, if they see fit at any time after the whole original capital of the said Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the said Company to any amount which they may consider requisite, in order to the due carrying out of the objects of the said Company. **Capital stock may be increased.**

3. Such by-law for increasing the capital stock of the said Company shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall be held to vest absolutely in the Directors. **Number, value and allotment of new shares.**

CHAP.

CHAP. 85.

An Act to amend the "Act respecting the Canadian Engine and Machinery Company."

[*Assented to* 28*th April*, 1877.]

Preamble.

WHEREAS the Canadian Engine and Machinery Company have, by their petition, prayed that they may be authorized to exercise the powers conferred on them by their Act of incorporation at any place or places in Canada, and also that the shareholders may be authorized to reduce the capital stock of the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers extended.

1. The said Company are authorized to exercise the powers conferred upon them in and by their Act of incorporation at any place or places in Canada.

Capital may be reduced, how and to what extent.

2. The Directors of the Company, at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable: Provided that the capital stock of the Company shall never be decreased to less than one hundred thousand dollars.

Value to be declared by by-law.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

By-law must be sanctioned by shareholders.

3. But no by-law for decreasing the capital stock of the Company, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of all the shareholders of the Company, at a general meeting of the Company duly called for considering the same.

Liability to third parties not affected.

2. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the Company, shall remain as though the capital had not been decreased.

Notice to be given when by-law reducing capital is passed.

4. After such sanction of such by-law notice thereof shall be forthwith given by the Secretary or other officer of the Company in the *Canada Gazette* and in a newspaper or newspapers

papers published at or near the place or places where the Company may be carrying on its business, setting forth that the shareholders of the Company have sanctioned a by-law whereby the capital stock of the Company is decreased: and the amount of the decrease, and of the capital stock as decreased: and thereupon from the date of such notice the capital stock of the Company shall be and remain decreased to the amount and in the manner and subject to the conditions set forth in such by-law. Its effect.

CHAP. 86.

An Act to grant additional powers to the Springhill and Parrsborough Coal and Railway Company (Limited).

[*Assented to 28th April*, 1877.]

WHEREAS the Springhill and Parrsborough Coal and Railway Company (Limited), were incorporated under an Act of the Legislature of the Province of Nova Scotia, thirty-fifth Victoria, chapter seventy, which said Act was amended and further powers and privileges granted to the said Company by the following Acts of the said Legislature: thirty-seventh Victoria, chapters twelve and seventy-two, thirty-eighth Victoria, chapter sixty-nine, and thirty-ninth Victoria, chapter seven; and whereas the said Company have represented that they are the owners of a large area of coal lands, and that there are extensive coal lands in the vicinity embracing a mine already opened; and that for the purpose of conveying the coal from the said coal lands to the sea-board the Company have constructed its railway from Springhill to Parrsborough, and that for the purpose of conveying the said coal from Parrsborough to other Provinces of Canada and to other British or foreign ports, it is expedient that the Company should have the power of owning and chartering a line of steam or other ships; and whereas the Company have, by their petition, prayed that further powers may be granted them; and whereas it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Subject to the provisions herein contained, and except as varied by this Act, the said Company shall have all the railway powers and privileges conferred on corporations by "*The Railway Act*, 1868," and this Act shall be deemed to be the special Act mentioned in the said Railway Act, and all powers heretofore inconsistent with the said Railway Act, shall hereafter be null and of no effect. Company to have powers conferred by the Railway Act.

2.

Powers and rights of the Company.

2. From and after the passing of this Act, the Springhill and Parrsborough Coal and Railway Company are hereby declared to be a body corporate and politic, within the jurisdiction of Canada, for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon the said Company by virtue of the said recited Acts of the Legislature of the Province of Nova Scotia, and each and every of them, subject always to any conditions or limitations imposed by the said recited Acts or any of them, and to all the debts, obligations or liabilities of the said Company, and to any rights in any suit or action now pending.

Subject to conditions of former Acts, &c.

Position of the Company to remain as before.

3. The Company hereby incorporated shall in all matters occupy the same position and shall stand in the same plight and condition in every respect as the Company incorporated under the said recited Acts of the Province of Nova Scotia, immediately before the time of the passing of this Act, with all such additional powers and authorities as are hereby given.

Company may buy and sell lines of ships, &c.

4. The said Springhill and Parrsborough Coal and Railway Company (Limited), shall have power to own, build, buy, sell and charter a line or lines of ships, steamboats or other vessels, for the purpose of carrying coal and other freights between the Provinces and between the Province of Nova Scotia and other British or foreign countries.

May lease or hire plant.

5. The said Company may also enter into any agreement for leasing or hiring from any other company or persons, any locomotives, cars, carriages, plant, stock, or other property either altogether or for any time or occasions, or for using any locomotives, cars, carriages, plant, stock or other property, in common with any other railway.

Company may borrow money.

6. The said Company shall have power to borrow money from time to time, either in Canada or elsewhere, in such sums of money as may be expedient, not exceeding in the aggregate the sum of six hundred thousand dollars or its equivalent in sterling, for the general purposes of the said Company, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures, and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within Canada or without, as may be deemed advisable, and to sell the same at such price or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage, or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars.

And issue debentures.

7. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President, or Vice-President, or presiding officer for the time being, and countersigned by the Treasurer or acting Treasurer of the Company, and under the authority of a majority of a quorum of the Directors shall be binding on the Company, and in no case shall it be necessary to have the seal of the Company affixed to any such promissory note, or bill of exchange, or to prove that the same was made by proper authority; nor shall the President, Vice-President or presiding officer, or the Treasurer or acting Treasurer be individually responsible for the same in any manner whatsoever: Provided always, that no such promissory note, or bill of exchange, shall be payable to bearer, or be of a nature to be used as money, or as the bill or note of a bank.

Company may become parties to promissory notes.

Proviso.

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